

DOCUMENTS ON KASHMIR PROBLEM

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World Opinion

Edited by
M. S. Deora
R. Grover

VOL. XVIII

Discovery Publishing House
NEW DELHI-110002

MAIN

First Published 1992

© Editors

ISBN 81-7141-155-X (Set)

***Published by :* DISCOVERY PUBLISHING HOUSE
4594/9, Darya Ganj, New Delhi-110002**

Printed in India at Sangita Printers, Maujpur, Delhi-53

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SECURITY COUNCIL MEETING

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Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of National consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". In spite of this antifeudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency, of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and

submitted a memorandum to the Cabinet Mission of 1946 demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India." When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. . .the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right." The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress president that people in Kashmir were groaning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1974 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade

and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyan of nationalism, succeeded in restoring Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocaust. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 (S/628). Pakistan made counter complaint (S/646) but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government." After debate the Security Council passed to resolution (S/651 and S/654). It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts (S/1100 ; S/1196, and S/1430). Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 6 January 1949 dealing with the plebiscite. The ceasefire came into effect by 1 January 1949 and a ceasefire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate,

however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611, S/2783 and S/2967.

In July August 1953 and in May 1955 the Prime Minister of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting and change in the new Constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite (SCOR, 12th Yr., Mtg. 761). Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 723 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/2821).

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-co-operation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Moorkerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Moorkerjee called this policy as "national liability". This non-co-operation was also supported by Jayaprakash Narayan and Acharya Kirpalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence

in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and uncereimonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolution of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of Military settlement of the Kashmir Problems. Threats and counter threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent Representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR: 17 Yr. Mtgs. 990). In the subsequent meeting of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C. S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British

representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in persuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg. 1016) Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting (S/5516) to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 (Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114). Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". (Mtgs. nos. 1088, 1104, 1113 and 1115). Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate (SCOR, Mtg. no. 117).

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965

on charge anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declarations, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Aziz Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966, Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Tashkent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite (GAOR, Pln. Mtg. 1423). He also tried to raise this issue in the Commonwealth Prime Minister meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmiri people to exercise the right of self determination. Even Prime Minister Mrs. Indira Gandhi gave a statement in Lok Sabha that "India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan". Pakistan government started anti-India propaganda. Ayub Khan described Indian army as "special danger to Pakistan". He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting (GAOR, Pln. Mt. 1584) and demanded "self-determination" for the people of Kashmir to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in the UN General Assembly meeting (GAOR, Pl. Mtg. 1982) and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan, (GAOR Pln. Mtg. 1775) on October 2, 1969.

Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations (GAOR, Pln. Mtg. 1853) on 29 September 1970. Meanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth" Kashmiris are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

A hand grenade was thrown on the Kashmir Chief Minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they were imparted training by Pakistani officers. The subversive activities of the Pakistani infiltrators continued till date. The cease fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement. In short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would give sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for non-war pact was turned down by Ayub Khan who described this proposal as "misleading" unless Kashmir dispute was solved. During the time Sheikh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embarrassing situation.

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willingness for some time to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relation. General Yahya Khan accepted the proposal with provision that the machinery of Indo-Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of letters between the two governments, no follow-up actions could be taken up by either of the governments. Instead President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of

1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents, to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library New Delhi for the help rendered to us during our visits there.

**159. Text of the Speech made by Mr. Quaison-Sackey
(Ghana) in the Security Council Meeting
No. 1013 held on 19 June 1962**

After an interval of nearly five years, the Security Council has again taken up consideration of the India-Pakistan question. This has been done on the initiative of Pakistan and on the basis of two letters that were addressed to the President of the Council by the permanent representative of Pakistan, contained in documents S/5058 and S/5068, and one letter from the permanent representative of India, which is contained in document S/5060 and Corr. 1.

Earlier in the present series of meetings, the Council heard lucid and comprehensive expositions of their respective Governments' views by the representative of Pakistan and the Indian Minister of Defence. My delegation, which was not present at previous meetings of the Council on this subject, feels bound to express its gratitude to both of these speakers for the clarity and fulness of their statements. These statements have been of great assistance to my delegation in its efforts to understand the extremely complex and mutually related historical, legal, and political aspects of this question. Of course, the Government of Ghana has had an opportunity to meet the accredited representatives of both Governments at Accra many times and to discuss the facts and intricacies of the question with them. My own delegation has also studied carefully all the relevant records on this subject. It is clear to us that both sides are sincerely convinced of the righteousness of their respective cases.

However, I must state at once that the Government of Ghana would have wished to be spared the painful experience of being confronted with such a delicate and seemingly intractable problem. But as a member of the Security Council, the Government of Ghana has a responsible duty to perform where the peace of the world is concerned. We believe that no problem in this world should be allowed to degenerate into

a situation which would bring about hostilities or armed conflict. It is becoming increasingly difficult to adopt a policy of containment towards regional conflicts which can easily erupt into a world conflagration, with dire consequences for all mankind. For this reason it is a matter of deep sorrow and anxiety to the Government of Ghana that no material progress has yet been made towards a solution of this question and that the friction between India and Pakistan, which arose from this lack of progress, has increased rather than diminished. My Government's concern is enhanced by the fact that it enjoys very close and friendly relations with both countries, based on history, sentiment and common interest.

We have always been conscious and appreciative of our growing partnership with these two nations within the framework of the United Nations—that unique institution for co-operation and collaboration which transcends differences of race or creed. Like Ghana, both India and Pakistan had been under British colonial rule and had been sorely tried by both extremes of fortune, without having been deterred by either. We have long regarded as a source of inspiration their long and arduous struggle for freedom and independence. We have followed with admiration the tremendous efforts they have made to secure progress in the political, economic, social and cultural fields since their independence, and we have drawn much satisfaction from the constructive role they have played in international affairs, particularly in promoting and supporting the liberation of subjugated peoples in Africa and elsewhere. Furthermore, we share with them, as members of the great African-Asian community which has attained such a dominant position in world affairs, certain overriding ideals and aspirations, based on our common historical experience and on the Charter, which are the primary determinants of our position on international problems, and which may be expected to dominate any attempt to resolve difficulties between members of this community.

It is for these reasons that the friction over Kashmir has caused us such grief, as indeed must occur when one's friends quarrel. Therefore, rather than being concerned with taking

sides, we have endeavoured to gain a sympathetic understanding of the difficulties, opposing points of view and differing interpretations that have stood in the way of a mutually acceptable settlement of the problem. In this spirit, the sole concern of my Government throughout the long and intractable history of the question has been the achievement of a peaceful and just solution, in conformity with the Charter and acceptable to both sides. This concern was, for instance, reflected in an informal suggestion that was made to both parties to the dispute during the early years of Ghana's independence by Osagyefo, the President of Ghana—who at that time was Prime Minister—that he would be happy to lend any possible assistance, should they wish to avail themselves of his good offices.

My delegation has noted with satisfaction the assurances given here that, despite their dissatisfaction with the present situation, neither side will take the initiative in using measures that are outside the scope of the Charter, with a view to precipitating any change. While welcoming these assurances not to resort to force, my delegation cannot ignore the fact, increasingly apparent from recent statements in the Council, that the views of the delegations of India and Pakistan are as far apart as they have ever been in the past, if not further, on a number of the most important points at issue.

This is a sad but hard fact and in the view of my delegation no useful purpose would be served by attempting to apportion the responsibility for this situation; nor is it, in our opinion, desirable that the Council should take up in detail the questions of past history which have been elaborated upon by the representatives of India and Pakistan. The charges and counter-charges of aggression and conspiracy have previously been considered by the Council, and regardless of whether or not the Security Council's resolutions on these matters were adequate, my delegation cannot overlook the necessity, at the present time, to make reference to the basic principles accepted by the Council—principles which, it is our impression, have in the past been accepted by both India and Pakistan. Only thus will the Council be able to determine

whether, in the light of subsequent developments and changing circumstances, progress is possible on the basis of these principles, or whether some fresh basis should and could be discovered. For although it cannot dictate or impose a solution, the Security Council has a responsibility for assisting the two sides to find one, in the absence of a direct, mutually acceptable agreement between the parties.

It is clear that whenever the Security Council has considered the question, it had looked to the future in preference to the past. While this approach did not give full satisfaction to either side, it nevertheless led to the establishment of the United Nations Commission for India and Pakistan, which having taken the facts and prevailing circumstances into consideration, produced the two resolutions of 13 August 1948 and 5 January 1949 which, as both sides agreed, were basic. The Commission concluded that after a cease fire had been achieved, a settlement could be reached if the problem of demilitarization, the principal obstacle to a settlement, could be resolved. Since then, as is well known, notable attempts have been made by General McNaughton of Canada, by Sir Owen Dixon of Australia, by Mr. Gunnar Jarring of Sweden and by Mr. Frank Graham of the United States of America, whose combined, persistent efforts had the effect of leading to a narrowing of the field of differences between the two countries.

However, the grounds for hope which were thus revealed were subsequently shaken by a number of *prima facie* extraneous events which, it was claimed, had changed the whole context of the problem. Mr. Graham's subsequent efforts to secure agreement with a view to making progress towards the implementation of the resolutions of the United Nations Commission for India and Pakistan and towards a peaceful settlement did not meet with full success. The obstacles still remained, foremost among which, according to his latest report dated 31 March 1958, was the procedure for the withdrawal of the Pakistan troops and the bulk of the Indian Army as provided for in part II of the resolution of August 1948.

In spite of Mr. Graham's inability to report success, my

delegation considers that in default of any other basis for agreement being discovered, the Council must find out whether it can build upon its past efforts, having particular regard to the international obligations by which the parties stood bound under the United Nations Commission for India and Pakistan's resolutions of 13 August 1948 and 5 January 1949.

These resolutions together constituted a plan of settlement based on the principle that the future status of the State of Jammu and Kashmir should be determined in accordance with the will of the people, but for the implementation of this principle, they called for the fulfilment of certain conditions precedent, consisting of a cease fire and the preservation of peace, followed by a programme of demilitarization.

The merit of this plan lay not only in the fact of its voluntary acceptance by both sides, but in its conformity with the provisions of the Charter. My delegation has noted that as recently as 1957, during the debate on this question in the Security Council, the representative of Pakistan had stated that Pakistan recognized "... no international obligations ... except those it has voluntarily accepted ... in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949" [761st meeting, para. 115]. For his part, the Minister of Defence of India, speaking as the representative of India, said that :

"The only things that bind us in regard to Kashmir, so far as the Security Council and the world are concerned, are these resolutions"—namely, the United Nations Commission for India and Pakistan's resolutions of 13 August 1948 and 5 January 1949—"with all the conditions I have mentioned. And I would say that, while we are not a member of the Security Council, as a Member State which has earnestly tried to discharge its solemn obligations to the international community, the Council will think many times before it is led even to think, let alone express a view, that the Government of India has in some way tried to get round international commitments." [763rd meeting, para. 77.]

The view of the delegation of Ghana is that the UNCIP resolutions to which I have alluded have to be taken as one integral whole in relation to the context in which they were conceived, and that it is not a meaningful approach to concentrate all attention on one aspect of the plan of settlement to the exclusion of the other factors to which it is linked. Equally, it would be futile to deny that, in the words of the Chairman of the Commission, "the Security Council's resolutions are static, but the situation is dynamic". It must also be admitted that, as the Commission stated in its third report :

"In essence, the problem of the withdrawals lies in the fact that the sequence for the demilitarization of the State, as contained in the Commission's resolutions of 13 August 1948 and 5 January 1949, is not adequate to solve the present situation. The situation in the State has changed; the resolutions remain unchanged."

Again, it would be difficult to quarrel with the remarks Mr. Jarring of Sweden made in this connexion in part III of his report :

"In dealing with the problem under discussion as extensively as I have during the period just ended, I could not fail to take note of the concern expressed in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia."

He then went on to say :

"The Council will, furthermore, be aware of the fact that the implementation of international agreement of an ad hoc character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change."

My delegation thus attaches due weight to all the changes

that have occurred in the situation since these two resolutions were adopted. What action then should the Security Council take in these circumstances? True, were it, by default or through its silence, to fail to pay particular regard to the principles underlying these two resolutions, including recognition of their interdependent character, it would be reneging on its responsibilities and previous decisions. It could, of course, attempt to discover a modified basis, reflecting the changes in the situation, but the difficulties likely to be encountered in securing agreement here on such a basis, judging from past experience, would alone be sufficient to doom any such effort to failure. Would it not be more fruitful to start from those points where there has been some area of agreement between the two sides in the past, and see whether progress could be made from there? Might the most practicable basis not therefore, be to leave the consideration of the new and changed elements to negotiations between the two parties in the expectation that some solution would be found acceptable to both India and Pakistan? It is our view that it is they and they alone that can solve this difficult problem. They can do so with the framework of the United Nations Charter, with the encouragement of the Security Council and with prodding from friendly countries. As Mr. Graham has pointed out in his latest report :

"However wide the differences and deep the distrust, and however bad the situation in the opposite views of each other's position, no situation is completely and forever beyond the redemptive power of the development of reciprocal faith and the creative interchange of views and proposals for a peaceful settlement as alternatives to the deepening differences in an age of unprecedented peril and hope."

My delegation, therefore, cannot but earnestly appeal that, given the continued goodwill and tolerance which has largely characterized the relations between the two Governments, they will agree to resume negotiations and to make a continuing effort to create and maintain an atmosphere

favourable to such negotiations—call them conversations or talks or what you will. It is our belief that it should be possible at the earliest auspicious time for both India and Pakistan to set the stage for these negotiations, starting, if possible, at the level of Foreign Minister, so that the ground can be properly prepared for an eventual understanding.

In the light of past experience, the idea of having a third party assist in such negotiations, without prejudice to the rights and claims of the parties, would seem to commend itself. Whenever there has been a kind of catalyst in any negotiations or conversations between two parties, the results have often been satisfactory. However, my delegation agrees that the effectiveness of a third party, whether proffering the umbrella of auspices, good offices or mediation, depends on the willingness of the two sides to use his services, and that no such approach is valid in itself unless the parties accept it. However, were the two parties, animated by the spirit of Article 33 of the Charter, to agree to avail themselves of the good offices of an acceptable individual of high standing and impartiality, my delegation is confident that a good beginning would be made on the road to progress.

In view of the importance Ghana attaches to its relations with India and Pakistan, we would naturally be happy to avoid saying anything that would attract criticism from or in any way impair our relations with either or both of them. Nevertheless, we would be evading our responsibility as a member of this Council if we did not play our part in the attempt to seek the solution of a problem which, according to the Council's resolution of 20 January 1948, "might by its continuance, endanger the maintenance of international peace and security".

It is in this spirit that we have approached the question, and we have done so with what we hope is prudence and a consciousness of its complex and intractable nature. We believe that a final settlement of this question can only benefit both parties. It is well known how heavily the burden of armaments lies on the two Governments and how fervently, at the same time, they desire to devote as much of their

resources as possible to economic development and social reconstruction. But as long as the friction arising from the Kashmir question continues, so long will it continue to have serious and adverse effects on the lives of hundreds of millions of people in India and Pakistan, and so long will it continue to exacerbate their relations, with serious implications for the maintenance of international peace.

The reasons for making yet another serious attempt to achieve progress are, therefore, overriding, and the Council will certainly require more than ever all the understanding, patience, impartiality and sense of responsibility that it has evinced in the past. It is the fervent belief of the Government of Ghana that it lies in the power of India and Pakistan to achieve a solution. The two countries occupy dominant positions in the African-Asian world and have significant roles to play in the international community. Let them rise to the occasion and prevent this question from assuming cold-war proportions. Let them bury the hatchet and solve this problem in amity and in peace.

**160. Text of the Speech made by Mr. Riad (United Arab Republic) in the Security Council Meeting
No. 1013 held on 19 June 1962**

I have listened with great interest to the statements of both the representatives of India and of Pakistan presenting the point of view of their countries regarding the present question. The Government of the United Arab Republic, as you are all aware, has close and friendly relations with both India and Pakistan. Therefore, it is natural for me to confine my statement at this stage to the aspects which we believe are such as should encourage the two parties to find a way out of the present impasse.

In dealing with delicate and complex questions similar to the one which is before us, the Council should adopt a flexible course of action, with a view to helping the two parties to resume further contacts for the purpose of solving the question peacefully under the aegis of the Charter. The Council, in its

wisdom, should exert every effort to seek the endorsement of the two parties in any action which it may take. No useful purpose could be served if the Security Council were to act in a way which might complicate an already sensitive situation. I admit that the question under consideration is not of a kind which could be solved easily or in a short time, but the fact that additional time and effort are needed should not discourage us from deploying all possible means of coping peacefully with this situation.

It is true that the Council has tried very hard to help the parties to reach a solution, but it is equally true that any solution which is not acceptable to the parties will not be a workable solution. The Security Council has specific responsibilities under the Charter in dealing with such questions, but the Charter itself does not say that any specific course should or could be imposed on the parties to a question when a settlement is needed.

So the most important objective is to help the two parties to resume contacts with a view to reaching a peaceful solution. We have every reason to believe that this is the only advisable course for the Council to follow at the present time and we, in the United Arab Republic, are particularly encouraged by the statements which were made by the representatives of Pakistan and India.

I believe, therefore, that it is perfectly in order if we address ourselves once more to both India and Pakistan—especially after they have demonstrated such a high standard of statesmanship and set such a good example of self-restraint throughout the history of the question—appealing to them to continue to exercise the same self-restraint and to display a will to solve their differences through peaceful means.

It is reassuring to listen to the solemn and responsible pledges which were made by the representatives of India and Pakistan declaring that their respective Governments will not resort to the use of force. Statements to this effect are indeed significant and we hope will pave the way to the resumption of negotiations between the Governments of India and Pakistan to reach a final and just solution. This, I take it, could not be

done unless the parties endeavoured to create the proper atmosphere necessary for further negotiations. To be able to reach this goal, the parties should refrain from taking any action which might aggravate the situation.

It is clear that the Government of the United Arab Republic does not favour any action which is not acceptable to the two parties and we sincerely hope that the Security Council will not depart from its previous attitude in dealing with this question, namely, that the Council has never tried to impose a solution on the parties, but has always sought to secure the acceptance of the two parties as far as it was feasible. This is the only course which we believe might lead to the resumption of negotiations. Consequently, we could not support any proposal to which a party entertains serious and valid objections.

In concluding, we firmly believe that no course of action should be imposed on one of the parties, and that better results can be achieved if the Council acts with the consent of the parties. This in itself would place greater responsibilities on both India and Pakistan, and the moral obligation entailed in such an action would carry greater weight than any fast and rigid recommendation.

As two great nations with high traditions in Asia, and as faithful Members of the United Nations, both India and Pakistan, I am convinced, will realize the responsibilities which rest on their shoulders. They will not fail, I am sure, to inform the Council at the proper time of the progress which they will have made in seeking an early settlement of this important issue.

**161. Text of the Speech made by Mr. Hasegawa
(Romania) in the Security Council Meeting
No. 1013 held on 19 June 1962**

The Romanian delegation has carefully studied the documents relating to the situation in Kashmir and the statements made before the Council by the representatives of the two parties directly concerned, India and Pakistan. We have, of course,

also studied the history of the Kashmir question, the records of the discussions and all the documents which have accumulated over the fourteen years during which the United Nations has been considering the question in one form or another.

In my delegation's opinion, a comparison between the debates which are now taking place and those held in earlier years leads to one preliminary remark : the discussions have remained at the same stage, the same problems are raised, the same arguments are used and reference is made to aspects of the question which are in fact the same and most of which are well known.

Accordingly, we must first of all conclude that there are no new elements to indicate any real aggravation of the dispute between India and Pakistan in Kashmir and to justify a fresh and urgent examination of this question by the Security Council.

There can be no doubt, however, that in order to reach a correct conclusion and an effective solution we must analyse not only the Security Council's debates but also the living realities and the developments of the situation which we are discussing. From this point of view, it will be seen that during these fourteen years, while the discussions in the United Nations marked time, life itself moved forward and provided a reply to the question around which the Security Council's debates have removed : to whom does the State of Jammu and Kashmir belong and what is the will of the people of that part of the world ?

If the question is considered from the strictly legal point of view, the reply is not difficult. Indeed, the actual legality of the act of association of the State of Jammu and Kashmir to India is not and cannot be questioned by anyone, just as the legality of the association to India of over 500 Indian States and principalities cannot be contested. To cast doubt on that legality would be tantamount to questioning the legality of the creation and accession to independence of both India and Pakistan.

In the arguments they advance before the Security Council, the representatives of Pakistan try to contest the vali-

dity of this act and assert that this accession to India was not supported by the people and that it does not even now represent the will of the people of Jammu and Kashmir. But it has not been possible to produce any conclusive evidence to that effect.

If we analyse developments in the State of Jammu and Kashmir in the years 1948-1962, we shall find that it has become completely integrated in the Republic of India, that the relations between the people of that State and those of India have been consolidated and that there are no note worthy signs of any clear trends towards separatism. Thus, while the theory of the need to consult the will of the people had some meaning in 1948, to begin to discuss it again today would simply amount to disregarding the real facts, which show that the people of Kashmir expressed their will in local and general elections in 1951, 1957 and 1962. By the votes they cast on those occasions and by their active participation in the effort that is being made to raise the economic and cultural level of the State of Jammu and Kashmir, the people of Kashmir have shown and are still showing that they regard their country as an integral and inalienable part of the Republic of India.

Accordingly, there is now no legal or factual basis for discussing to whom the State of Jammu and Kashmir belongs. From that point of view, we consider that our discussion is pointless.

In the light of those considerations, the Romanian delegation feels that the Security Council can make a useful contribution to smoothing out the differences between India and Pakistan on the question of Kashmir by accelerating the settlement of this dispute through direct conversations between the two parties and by preventing the problem from being artificially complicated by the introduction of elements foreign to its substance. Unfortunately, we have to admit that such elements do exist and are actively brought to bear.

In this connexion, I should like to draw the Security Council's attention to some facts. For example, while the Indian representative has stated categorically and unreservedly that his Government would not take the initiative in resorting

to force in the case of Kashmir, the representative of Pakistan has in effect avoided giving any such guarantee here. He showed us that, although the Pakistan Government does not intend to take the initiative in resorting to force, there might be cases in which it would no longer be able to control events.

We do not think that the representative of Pakistan is contemplating the possibility of a repetition of the events of 1947; on the contrary, we hope that the Government of that country will ultimately give the same guarantee as the Government of India and that it will make every effort to curb any rash actions.

Yet, objectively speaking, whatever may be the intentions of the Government of Pakistan—which we do not wish to discuss—the attitude hitherto taken by various important figures in that country really encourages such actions. Nor can we ignore the fact that Pakistan belongs to military blocs which are pursuing in that region interests other than those calculated to promote good neighbourly relations between the two peoples. These blocs, which defend the expansionist plans of imperialist circles and colonialist positions, are obviously interested in fostering and exacerbating local rivalries.

It is a coincidence that the question of Kashmir began to be ventilated once again at the time when India liberated Goa and other territories which had belonged to it for centuries from colonial oppression, and at a time when we are witnessing a recrudescence of imperialist pressure against India? We cannot but conclude that the dispute between India and Pakistan about Kashmir is being artificially fostered by those who are anxious to maintain strained relations in South East Asia and to compromise the contribution which India is making to the struggle for the total abolition of colonialism and for the relaxation of international tension.

Being forced to retire from the historical arena, colonialism is endeavouring to hand down to the liberated peoples a most difficult heritage, a large number of time-bombs, which will enable the colonialists to retain or re-establish their privileges in one form or another. The situation which has been created in connexion with Kashmir is an illustration of

this colonial strategy. While life, in its forward march, is in the process of solving the problem, we are witnessing efforts to maintain artificially the explosive character of this issue.

The Romanian delegation considers that the United Nations should oppose any such action. We do not think that any proposal which calls for fresh investigations or establishes new arbitration or mediation procedures can serve a useful purpose in the present circumstances.

In so far as the question of Kashmir is still a dispute between India and Pakistan, it primarily concerns those two countries and its constructive solution depends above all on the cessation of all outside interference.

We are convinced that the peoples of India and Pakistan, which have so much in common in their history and which waged a joint struggle for the overthrow of colonial domination, will be able, especially in the present circumstances, to make what unites them, namely the interests of peace, security and the advancement of all mankind, prevail in their relations.

**162. Text of the Speech made by Mr. Boland
(Ireland) in the Security Council Meeting
No. 1013 held on 19 June 1962**

We in the Irish delegation listened with the closest interest and attention to the statements which were made here at the Council table by the representatives of India and Pakistan at the end of April and early in May. We are very glad to have had an opportunity, during the interval of time which has elapsed since then, of giving those statements the careful and detailed consideration which their importance so obviously demands.

Before discussing the question presently before the Council, may I say that Ireland, like other members of the Council, has nothing but the warmest feelings of friendship and sympathy for India and Pakistan alike. Not only do we value greatly the good relations which we have with both countries; we sincerely believe that more than ever today, in view of the general situation in southern Asia, the establishment and maintenance of friendly, neighbourly relations between India and

Pakistan is a matter of vital concern not only to the subcontinent of India, but to the world community generally. It is in that belief and in the single-minded desire to contribute what we can as a member of the Council towards finding a mutually satisfactory solution of the question of Jammu and Kashmir that my delegation approaches the issue with which the Council is confronted.

The statements of the representatives of Pakistan and India devoted much attention to basic points of difference which have existed between the two Governments ever since the question of Jammu and Kashmir first came before the Council in 1948. These include the question of the accession of the State of Jammu and Kashmir to India in 1947, the question of Pakistan's responsibility for the tribal irruptions into Kashmir in the same year, the action of the Government of Pakistan in sending regular Pakistan troops into the State in 1948, and so on.

These, of course, are very basic issues. As we all know however, these issues had already been clearly defined and were fully in the minds of all concerned when UNCIP formulated its resolutions of 13 August 1948 and 5 January 1949, which both Pakistan and India accepted at the time. Those resolutions did not purport to resolve the basic legal and other issues of which I have just spoken and, in our submission, to useful purpose would be served by an attempt by the Security Council to go back behind the Commission's resolutions in an effort to resolve those issues now. What the Commission's resolutions did do was to lay down a carefully considered procedure whereby, it was hoped, a peaceful settlement of the question of Jammu and Kashmir might be achieved.

The task of the Security Council now, it seems to us, is not to attempt to adjudicate upon issues on which UNCIP, in its wisdom, refrained from pronouncing itself, but to consider what progress can be made towards achieving a peaceful settlement of the question of Jammu and Kashmir in the circumstances which exist today.

Unfortunately, if there is one thing that emerges more clearly than any other from the statements which we have

heard from the representatives of Pakistan and India, it is that the differences of interpretation which prevented the prompt implementation of the Commission's resolutions in the first instance, instead of narrowing, have become wider and wider with the passage of time. Looking back, it is impossible not to deplore the circumstances which prevented the prompt implementation of the resolution of 1948 and 1949 in the favourable atmosphere which had been created by their race acceptance by both India and Pakistan. The delay was most unfortunate in its results because, as the Chairman of UNCIP said at the time—and his statement was recalled here this afternoon by my colleague, the representative of Ghana—"The Security Council's resolutions are static, but the situation is dynamic". The wisdom of that statement has been proved by the march of events, because not only has the lapse of time done nothing to bridge the differences which stood in the way of the implementation of the UNCIP resolution at the time when they were adopted, but changes of circumstances and political and other developments have intervened to make their implementation a matter of even greater difficulty and complexity today than it was when the resolutions were first passed.

While so much may be freely admitted, it seems to my delegation quite a different proposition to argue that because of what has happened in the meantime, the resolutions of 1948 and 1949 should now be regarded as having ceased to have any bearing on the matter at all. The UNCIP resolutions of 1948 and 1949 derive a special importance from the fact that they were accepted and agreed to at the time by both India and Pakistan. They have formed the basis of the Council's consideration of the question of Jammu and Kashmir even since. It would be unrealistic not to recognize that the interpretation and implementation of those resolutions have given rise to conflicts of view between the two countries which this Council has so far found it impossible to reconcile. It may be admitted too that any agreement between the two countries with regard to the question of Kashmir in the circumstances of today would need to take a fair and realistic account of

such major political or other changes as may have taken place since those resolutions were adopted. But the UNCIP resolutions of 1948 and 1949 cannot be treated as if they had totally ceased to exist. They remain on the statute book of the Security Council and their provisions must be kept in view in the continuing search for a peaceful settlement of the Kashmir issue.

In their statements to the Council, the representatives of India and Pakistan dealt in detail with the differences of opinion and interpretation which have prevented the resolutions of 1948 and 1949 from resulting in a settlement of the Kashmir question on the lines contemplated in the resolutions themselves. Whatever the individual members of the Council may think of the rights and wrongs of these differences, one thing seems to be only too clear, and that is that the basic reason for the failure to make any progress towards a settlement of the question of Jammu and Kashmir lies in the fact that there is at present a complete lack of any measure of common agreement whatever between the Governments of India and Pakistan. What seems essential to us at this stage is that everything possible should be done to repair that lack; and, in our estimation, judging by the statements which have been made here at the Council able by the representatives of India and Pakistan, the best chances of repairing that lack in the present circumstances lie in direct discussions between the two Governments and in the creation and maintenance between them of a political atmosphere in which such discussions can be carried on with good prospects of success.

As other members of the Council have pointed out before me, it is not for the Security Council to attempt to impose or dictate a settlement of the Kashmir question. Nor can any action which it is open to the Council to take help to bring about a peaceful and stable settlement of the Kashmir question without the agreement and active co-operation of the Governments concerned. What the Council can and should do, however, is to appeal earnestly to both Governments to make a determined effort, by means of direct talks between them, with or without the intervention of others as they may decide,

to re-establish that basic element of mutual agreement which must exist before further progress can be made towards a settlement of the question.

There are elements, even in the state of deadlock which exists today, which justify the hope that such an effort would not be unproductive of results. Members of the Council will have heard with lively satisfaction, for example, the assurances given by the representatives of India and Pakistan that their Governments will not resort to force for the settlement of the Kashmir question. Another positive aspect of the present situation is that, in spite of the occasional isolated incidents which are always apt to occur on either side of truce or cease-fire lines, the cease-fire line laid down in 1949 continues to be respected.

These are welcome and even hopeful features of the situation as it exists today. They provide a useful starting point for further efforts to widen the areas of mutual agreement. And this, in our opinion, should now be the primary aim, because, when, all is said and done, in matters such as this there is really no satisfactory substitute for mutual agreement. No other settlement, no matter how it is arrived at, can possibly prove as effective, as stable or as enduring as one worked out and agreed to by the Governments concerned.

In that belief, we earnestly hope that the Governments of India and Pakistan will be prepared—in the spirit of the phrase in the Preamble to the Charter which you, Mr. President quoted the other day—to sit down and endeavour to resolve the outstanding difficulties in direct talks between themselves, and that in the meantime they will, by mutual understanding, carefully refrain from any statements or courses of action which might have the effect of worsening the state of feeling between the peoples of the two countries. We are convinced that it is only in this way that the question of Kashmir can now be moved forward towards a peaceful settlement.

**163. Text of the Speech made by Mr. Sosa Rodriguez
(Venezuela) in the Security Council Meeting No. 1014
held on 20 June 1962**

Although the question of Kashmir has been pending for fifteen years and has been the subject of more than a hundred meetings of the Security Council, this is the first time that my country, now a member of the Council, has had occasion to speak about it. My delegation has therefore carefully analysed all the legal and political aspects of the case, and has made a through study of the very exhaustive and brilliant statements made by the representatives of Pakistan and India at the most recent meetings of this body, held in May. I shall ask the indulgence of the representatives of the permanent Member States if, in the course of my statement, I am obliged to refer to some facts regarding this problem which are well known, but which I feel I must mention in order to give an adequate explanation of my delegation's position.

My delegation was pleased to note that the representatives of both Pakistan and India have expressly stated that their Governments have no intention of resorting to force for the final settlement of the problem. This shows the respect of both parties for the principles of the United Nations Charter, as also the ties which, despite all their vicissitudes, must of necessity unite two countries which for ethnic, geographical, economic and cultural reasons are called upon to practise close and friendly co-operation. That is what my country, which feels sincere friendship and goodwill towards them both, would like to see, and it is with that in mind that it will view the problem and co-operate in the Security Council in preparing the way for a prompt, peaceful and friendly settlement of the question of Kashmir, which, unfortunately, is still bedevilling the relations between the two sister countries.

The problem before us derives from the events which took place in Kashmir in August 1947, when that State had not yet decided whether to unite with India or Pakistan after those two countries attained independence.

The Indian version and the Pakistan version of those

events are very different. According to the Indian account, what occurred was an invasion by miscreants and tribesmen from Pakistan who, with that country's help, attacked the people and local forces of the Maharajah of Kashmir. According to the Pakistan account, the population of Kashmir rebelled against the tyrannical government of the Maharajah Hari Singh and elements of related tribes in Pakistan came to the aid of the rebels.

In any event, whatever may have been the cause of the events, they prompted the Maharajah to ask for the State of Kashmir to accede to India in order to obtain military aid from that country. In a letter dated 26 October 1947 addressed to Lord Mountbatten, then Governor-General of India, Maharajah Hari Singh explained the situation and agreed to sign the instrument of accession of Kashmir to India. The instrument of accession signed by Maharajah Hari Singh was accepted by Lord Mountbatten. Nevertheless, in a letter of 27 October 1947, addressed to Maharajah Hari Singh, Lord Mountbatten recognized that "... the question of accession should be decided in accordance with the wishes of the people of the State; it is my Government's wish that, as soon as law and order have been restored in Kashmir, and its soil cleared of the invader, the question of the State's accession should be settled by a reference to the people".

India then sent military aid to the Maharajah, with which he was able to gain mastery over the situation in most of the State. Nevertheless, since the fighting continued, India brought the case before the Security Council which, in a resolution adopted on 17 January 1948, called upon the Governments of India and Pakistan to take immediately all measures to avoid an aggravation of the situation. Later, in its resolution of 20 January 1948, the Security Council set up a Commission to investigate the facts and carry out its instructions. That Commission confirmed the presence of regular Pakistan troops in Kashmir and, in discharge of its mandate from the Security Council, laid the groundwork for a solution of the conflict in the resolutions of 13 August 1948 and 5 January 1949.

Of the measures recommended by the United Nations

Commission for India and Pakistan, only those concerning the cease fire and the line of demarcation of the Indian and Pakistan positions in Kashmir at the time of the cease fire could be implemented. That line has been respected by both parties ever since. They were not, however, able to agree on the interpretation and implementation of the rest of the measures in the resolutions. Later efforts by United Nations representatives who replaced the Commission when it ceased to exist, in conformity with the Security Council resolution of 14 March 1950, were not able to reconcile the two parties.

The present situation and the respective positions of the parties in regard to the problem have been explained with a wealth of detail by the representatives of India and Pakistan in their recent statements before the Council. Those statements have stressed the following points :

- (a) Both parties accepted the resolutions of 13 August 1948 and 5 January 1949 of the Commission appointed by the Security Council, but each party ascribes to the other the failure to implement parts II and III of the 13 August resolution.
- (b) Pakistan insists that the solution of the problem lies in the progressive implementation of the resolutions of 13 August 1948 and 5 January 1949, and has declared that if it is a mistaken interpretation on its part that is impeding the implementation of those resolutions, it is willing to accept an impartial interpretation of the terms of the resolutions by the Security Council or a mediator acceptable to both parties;
- (c) India maintains that as Pakistan has rendered the implementation of the resolutions of 13 August 1948 and 5 January 1949 impossible and as the situation has completely changed since those resolutions were adopted, they have become imperative and their implementation cannot be enforced. India further maintains that it can no longer accept a plebiscite to decide the question of the accession of the State of

Kashmir to India, because that accession has been complete and irrevocable from the time the corresponding instrument was signed, and that as there have been elections for a Constituent Assembly and, subsequently, elections under the Constitution promulgated in the part of Kashmir which was united to India, the people of Kashmir have had an opportunity to express their wishes and India has thus fulfilled its promise to consult the people and will not now accept a plebiscite on the question of accession.

In view of those circumstances and of the background of the case, my delegation has the following remarks to make.

Firstly, the accession of Kashmir to India took place in special circumstances in that the instrument of accession could not be isolated from the letter of 26 October 1947 from Maharajah Hari Singh to Lord Mountbatten and the letter's reply of 27 October 1947. Consequently, from the time the instrument of Accession was signed the accession of Kashmir to India produced all the juridical effects of accession, but the indefinite continuation of those effects, or in other words the final consolidation of the accession, remained subject to a later act, namely, its ratification through a consultation of the people of Kashmir.

The promise of Lord Mountbatten, or rather of the Governor-General of India at that time, was a promise made to the people of Kashmir and not to Pakistan. However, it was a promise made, as Lord Mountbatten's letter says, "in consistence with their policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State".

Secondly, although it might entertain doubts about the desire of the people of Kashmir to be united with India through the accession of their State, Pakistan could not lawfully aid the rebels—if rebels they were—or the invaders—if they were invaders, far less intervene directly in Kashmir with its regular forces.

Thirdly, when the matter was submitted to the Security Council for its consideration, both that United Nations organ and the parties to the conflict agreed to settle the case *de facto* and *de jure* in the form laid down in the resolutions of 13 August 1948 and 5 January 1949 of the Commission for India and Pakistan.

Both the question of Pakistan's aggression in Kashmir, as India describes Pakistan's action there, and the question of the accession of Kashmir to India, challenged by Pakistan, were precisely the two questions contemplated in the resolutions of 13 August 1948 and 5 January 1949, which laid down the principles and established the procedure for a peaceful settlement of the dispute. As we have seen, those resolutions were accepted by both parties and they therefore constitute an international agreement arrived at with the participation of the United Nations. These resolutions contain various provisions and the implementation of some is dependent on the prior implementation of others. The failure of either party to comply with any provision could therefore justify the other party's refusal to implement the succeeding provisions so long as the non-compliance persisted.

Fourthly, the elections which were held in the part of Kashmir united to India could not take the place of the plebiscite mentioned in the resolutions of the United Nations Commission for India and Pakistan, which both parties have accepted. The agreement resulting from their acceptance of those resolutions was of an international character and cannot be amended unilaterally by any law or constitution. That was the principle which the Security Council upheld in its resolutions of 30 March 1951 and 24 January 1957.

In those elections, however complete and democratic they may have been, the people of Kashmir were not consulted about whether they preferred to accede to India or to Pakistan. Those elections cannot therefore be likened to a plebiscite on the question of accession.

Fifthly, it is a fact that the resolution of 13 August 1948 has been implemented only with regard to its part I concerning the cease fire and the cease-fire line, and that, in the absence

of agreement between the parties on the interpretation of the terms of the resolution, part II and III of that resolution could not be implemented. Nor was it possible for the resolution of 5 January 1949 to be implemented, since that required the prior application of all the provisions of the resolution of 13 August 1948. Each parties blames the other for the lack of implementation of these resolutions, but in the face of disputed facts and divergent interpretations it is difficult to apportion responsibility. At all events, these resolutions are still in force and having some effect; for one thing, they provide the legal basis for the present provisional *status quo* in Kashmir which has at least prevented the continuation of armed conflict.

It must also be remembered that, whatever the true reason for the failure to implement parts II and III of the resolution of 13 August 1948, and hence the resolution of 5 January 1949, nearly fourteen years have elapsed since then and the circumstances which then prevailed have been modified by a series of events. It would be therefore advisable, without departing from the basic principles contained in the Council's resolutions on this question, to take these new circumstances into account in future efforts towards a final solution of the problem. My delegation feels that in such circumstances the best course would be for the two parties to discuss the question between themselves in direct negotiations.

In view of the foregoing considerations and the fact that both parties have stated their intention not to resort to force in settling the question of Kashmir, my delegation considers that on this occasion the action of the Council could be limited to recalling the basic principles contained in its previous resolutions and inviting the two parties to undertake direct negotiations as soon as possible, so that in an atmosphere of understanding and harmony they may arrive at a final solution of the problem of Kashmir.

In conclusion, I should like to reaffirm once again the sincere friendship and sympathy which my country feels towards both India and Pakistan, and to express the grave concern with which it views the continuation of a conflict which darkens the relations between these two great countries, diverting their

attention from the work of progress and development which they are carrying out in their Asian subcontinent. My delegation trusts that the clear-sightedness and ability of the statesmen of both countries will enable them to overcome the difficulties which have hitherto stood in the way of a solution to this thorny problem and that they will finally reach that agreement for which their friends so eagerly hope, for the good of the people of Kashmir, of India and of Pakistan.

**164. Text of the Speech made by Mr. Schweitzer (Chile)
in the Security Council Meeting No. 1014
held on 20 June 1962**

Last January, when the Government of Pakistan asked the Security Council to meet again to take up the question of Kashmir, there seemed to be an urgent need to resume our consideration of that complex and long-standing problem, to which so many efforts have been devoted since its first appearance towards the end of 1947.

Five months have gone by and we can say with satisfaction that, although the threats to peace and security have not disappeared, they are not so alarming as they seemed and that the present debate has produced one positive result of great significance : we have been able to hear, both from the Minister for Defence of India and from the representative of Pakistan, that their Governments will not resort to force to settle their differences. That is a solemn commitment which reveals the willingness of both Governments to fulfil their obligations as Members of the United Nations and refrain from the threat or use of force. The Council can now face this item on its agenda relieved of the great anxiety with which it reconvened to consider it.

Nevertheless, it would have been desirable to note some progress in so long and difficult a controversy.

The representatives of both Pakistan and India have informed us at great length of their position on the question, which has increased in complexity and difficulty during the long period since the Council first took it up.

There is an abundance of documentation, consisting of successive resolutions and reports on the question. The special commission set up to deal with the problem has ceased to exist, but there is still the representatives appointed by the Council and the military observer group; no progress has been made, however, beyond the cease fire, and the truce agreement marking out the definitive military occupation line has not been concluded. Many agreements for the holding of a plebiscite, which the Council has repeatedly held to be the manner in which the question should be settled, have been held up by discrepancies; divergent interpretations and various other difficulties, so much so that today nothing is left but the principles set forth in the resolutions and agreements which both parties have supported. The system which was conceived for putting them into practice is now inoperative.

To catalogue the difficulties which have arisen does not appear to be a suitable approach to a solution of the problem, this Council's basic task, because it might serve to exacerbate feelings and to aggravate the existing tension, and thus defeat its purpose. If this Council were not what it is, an essentially political body rather than a court of law, its task would perhaps be easier, for it would merely have to consider the background and arrive at a verdict. Its function, however, is to prevent problems from getting any worse, and to maintain international peace and security, bringing calm to a region agitated by passions of every sort, where the situation can become even more critical if it is not approached with deliberation, caution and discretion.

My Government, which maintains harmonious and friendly relations with both the countries affected by this question, has therefore striven to adopt an impartial and dispassionate attitude, doing all in its power to help to reduce the difficulties and to find a solution compatible with the interests at stake and the principles enshrined in the United Nations Charter.

In my Government's view, that solution would consist in a resumption of direct talks between the two countries with a view to finding a formula upon which they can agree for the

settlement of the dispute. We are firmly convinced that in cases such as this, if a solution is to give results, it must not be imposed but must arise from the wishes of the contending parties.

Such talks can be expected to give the desired results if the parties undertake them with a sincere desire to reach a solution. We do not doubt that this will be the case, although we understand that in disputes of this kind, prolonged in time and complicated by various subsequent events, the greatest virtue lies in preserving patience. It seems to us, moreover, that the way to make those talks productive might be by the provision of such impartial aid as those concerned might accept, or that the United Nations could supply, if the need arose.

Also of fundamental importance in this matter is the creation of an atmosphere conducive to the fruitful development of such negotiations. To that end, it would be necessary for both Governments to strive to adopt such prudent and discrete measures as might calm the atmosphere of the dispute, and to refrain, during the negotiation, from statements that might impede their progress and from actions which might aggravate the existing situation instead of alleviating it.

Our attitude is determined by the conviction that this Council should help the parties to find a peaceful means of settling their dispute, and in view of the lack of progress in the search for an effective solution we feel that such a means can rapidly be found through direct negotiations. The Charter of the United Nations outline many methods for achieving peaceful solutions.

We cannot show the world a Security Council powerless before this problem. It would be easy for us to show our authority, if that proved necessary. But I would stress that there is no question of that; rather must be demonstrate our ability to prevent a problem that has been lying dormant from once more becoming acute, upsetting the peace that has been achieved and maintained during all the years of the conflict.

We appeal to the consciences of both parties, confident that they will be willing to show by their actions what we

have been led to expect from the promises made during the debate. We believe that this Council, as on earlier occasions, will be able to point the way whereby both parties may reach a final solution of the problem, which would relieve and gladden the peoples concerned and the whole world.

**165. Text of the Speech made by Mr. Plimpton
(United States of America) in the Security
Council Meeting No. 1015 held
on 21 June 1962**

My purpose in asking to speak today was to see if some measure of agreement could not be found in what has been said in the Council. We have reviewed the debate carefully and wish to put forward some observations for consideration by the members which, we hope, will be of value.

In the course of this debate, the overwhelming majority of Council members have concentrated their views on five major points. First, most members were gratified by the assurances given by both parties that they will refrain from the use of force in the settlement of this dispute. The second point was the continued applicability of the resolutions of the United Nations Commission for India and Pakistan (UNCIP) and the resolutions of the Council itself on the problem of Kashmir. Third, members have expressed views on the need for India and Pakistan to enter into negotiations which would lead to a peaceful settlement of this dispute. Fourth, a number of members have also commented on the possibility of having the parties avail themselves of the services or good offices of an impartial third party, to assist in such negotiations. Finally, members have not failed to comment on the responsibility of the Security Council in this matter.

But let me be more specific; allow me, as a start, to cite what members have said with regard to the second point, that is, the continued applicability of the UNCIP resolutions. The representative of Ghana, for example, elaborated in substantial detail on his Government's point of view, saying :

"In spite of Mr. Graham's inability to report success,

my delegation considers that in default of any other basis for agreement being discovered, the Council must find out whether it can build upon its past efforts, having particular regard to the international obligations by which the parties stood bound under the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949." [1013th meeting, para. 12.]

The representative of Ireland, in discussing that point, said at the same meeting :

"But the UNCIP resolutions of 1948 and 1949 cannot be treated as if they had totally ceased to exist. They remain on the statute book of the Security Council and their provisions must be kept in view in the continuing search for a peaceful settlement of the Kashmir issue." [*Ibid.*, para. 55.]

This position was supported, either directly or by inference, by the representatives of France, Chile, China, the United Kingdom and ourselves, while Mr. Sosa Rodriguez, the representative of Venezuela appeared to attach such importance to these resolutions that he thought that the Security Council could well limit itself to recalling and reaffirming the basic principles of its previous resolutions [1014th meeting].

All members who have spoken have recognized the need for the parties to resume negotiations. This is an important fact which should give us definite guidance. There is some disparity of view, however, with regard to the introduction of a third party. We felt that most of the representatives who spoke appeared to lean to the view that an impartial third party to assist India and Pakistan in their negotiations would be useful.

Sir Patrick Dean, the United Kingdom representative, in discussing the need for the parties to enter into negotiations mentioned the Indus waters analogy, where a third party had been helpful. Ambassador Boland touched upon the possibi-

lity of negotiations with a third party to lend a hand, while Mr. Hsueh the representative of China believe that the services of the Secretary-General might well be utilized. Ambassador Quaison-Sackey recalled the informal suggestion of his President, offering his assistance to both parties. Mr. Stevenson referred to the offer by President Kennedy of the services of Mr. Eugene R. Black of the World Bank to explore with each Head of Government the outlines and prospects for negotiations and discussions, adding :

"We are convinced that a high-level conference between India and Pakistan which, we believe, would be facilitated by such an exploration, would enable the parties to ascertain the precise areas of disagreements between them and should, we hope, induce that spirit of compromise and magnanimity on both sides without which no problem can ever be truly solved." [1012th meeting, para. 14.]

Now let me turn to the points of view expressed on the question of Security Council responsibility. Members readily recognized that the Security Council cannot impose a solution to this problem on either party. However, there was recognition that the Security Council could make a contribution. Ambassador Riad of the United Arab Republic thought that the most important objective of the Security Council should be "to help the two parties to resume contacts to reach a peaceful solution". [1013th meeting, para. 26.] Ambassador Boland thought that :

"What the Council can and should do . . . is to appeal earnestly to both Governments to make a determined effort . . . to re-establish that basic element of mutual agreement which must exist before further progress can be made towards a settlement of the question." [*Ibid.*, para. 57.]

Ambassador Quaison-Sackey pointed out :

"The reasons for making yet another serious attempt

to achieve progress are, therefore, overriding, and the Council will certainly require more than ever all the understanding, patience, impartiality and sense of responsibility that it had evinced in the past." [*Ibid.* 1013th meeting, para. 22.]

Sir Patrick Dean remarked :

"Nevertheless, the Security Council cannot wash its hands of the whole affair. The past history of discussion before it and its previous decisions make this impossible. We have a clear duty to formulate a view." [1012th meeting, para. 35.]

Ambassador Schweitzer of Chile said : "We cannot show the world a Security Council powerless before this problem." [1014th meeting, para. 34.] Mr. Stevenson described the Council's responsibility as one in which it would use its best efforts to ensure that a peaceful settlement be attained, while you, Mr. President, as I recall, in your capacity as representative of France, echoed this sentiment when you referred to Article 33 and said : "All that the Security Council can do, within the terms of this Article, is to 'call upon the parties to settle their dispute by such means'." [1012th meeting, para. 49.]

These views may vary in degree, but there appears to be general agreement as to the continuing responsibility of the Council in this matter.

I hope that I have made a fair summary of the views which have found sympathy among a majority of the members of the Security Council. I have done so in the hope that such a summary will help to focus the attention of the Council on common areas of agreement and that it may lead to further contemplation as to exactly how the Council may be useful.

I would therefore suggest, Mr. President, that following this meeting we should meet again, either tomorrow afternoon or Monday, depending upon the wishes of other members of the Council, with the object of further consultations in the meantime leading to a determination by the Council of the action to be taken.

**166. Text of the Speech made by Mr. Morozov (Union
of Soviet Socialist Republics) in the Security
Council meeting No. 1015 held
on 21 June 1962**

When the United States representative was speaking just now, I looked several times at the place where he was sitting in order to assure myself that he was not speaking from the Chair when he summed up the discussion on behalf, as he stated twice, of almost all the members of the Council. I saw with pleasure, however, that the President is still presiding over the Council meeting and that the United States representative is behind the nameplate reading "United States". This somewhat reassured me, so that I am now able to make a few comments on the summing up attempted by the United States representative.

Before making these comments, I must revert to the idea which I already advanced at the 1013th meeting about the peculiar turn recently taken by this discussion. Although in fact everyone has already spoken on every aspect of the subject, although everyone's opinions and shades of opinion are quite obvious, although no formal proposals have been made—and I trust none will be made—since the very course of the discussion and the very facts of the case show that at this stage there is no need for the Council to take any decisions, the meetings nevertheless continue; they are postponed, one or two representatives speak and then there is a further postponement, in the expectation of something unknown, or known only to the small group of people who are keeping our candle burning—a candle which the rest of us, who are uninitiated, cannot touch and whose purpose we therefore cannot understand.

There are two possibilities: either there are some specific proposals which are being prepared and which in that case should be submitted to us—although we see no need to take any decisions now after this extremely exhaustive exchange of views—or else we should bring this stage of our work to an end. In fact, the arguments just used by the United States

representative merely underline the need for a full stop precisely at this stage, so as not to jeopardize the future situation in the region we are discussing, the authority of the Council or the maintenance of universal peace and security.

I shall now turn to the remarks just made by the United States representative when he attempted—in my view, inadequately, inaccurately and perhaps even unsuccessfully—to sum up the discussion of this question. I am not saying this because he omitted me from the sages, beginning with the United States representative, whom he cited here as authorities who gave a correct evaluation of the facts and showed us the course we should follow. Having no desire to quote myself, I shall modestly refer the members of the Council to the Council's records, and, in particular, to my statement of 4 May 1962 [1010th meeting]. It will be seen from this document that the conclusions which were drawn as general conclusions on behalf of all the members of the Council are inapplicable, at least where the position of the Soviet delegation is concerned. I said this the day before yesterday and I repeat it now—my delegation abides by its views, which we think were clearly and logically explained at previous meetings of the Council.

It is true that, in his remarks, the United States representative did mention certain points which in fact were made during meetings of the Council. For example, he said that the members of the Council had heard a statement by the representative of India to the effect that India would never initiate military operations in the Kashmir region. Such a statement was in fact made and was welcomed by all the members of the Council, including the USSR delegation. After this statement, the representative of Pakistan also made a statement—perhaps not as precise and clear a statement as we might have wished—but he did make a statement to the effect that Pakistan, for its part, would not do anything which might lead to military operations being undertaken in this region.

Thus, one of the main points which might have given the Security Council cause for concern and called for action on its part has been adequately disposed of in the statements made

by both sides. This means that there is now no situation, in which we might expect that, if we merely come to a full stop at this stage in our discussion of the question, the situation in the Kashmir region would suddenly deteriorate, that there might be a danger of a military clash there for any reason. Such a situation does not exist. This is why I say that, when the United States representative based his argument on the statements by India and Pakistan that they would not use force in connexion with the Kashmir question, it was not an argument in favour of continuing the debate. This argument is not mine but his, and it is not an argument in favour of continuing the debate but rather—as any objective observer can see—in favour of concluding it, in order not to arouse passions and cause the situation to deteriorate by the trend and nature of our discussion. The situation is quite peaceful, as was noted, in particular, in the statement of the representative of India was accepted as axiomatic in the statement just made by the United States representative.

However, Mr. Plimpton, the representative of the United States, adduced two other arguments in his statement. First, he tried again and again—as was also done, I would say, not by the majority but by comparatively few members of the Council—to resurrect and reinforce the importance of the resolutions adopted by the Security Council on the Kashmir question fourteen years ago—I repeat, fourteen years ago. He rightly said that, if this attitude was justified and one could really speak of applying resolutions adopted fourteen years ago, then it would obviously be impossible to come to a full stop and some proposals would have to be made regarding the application, in entirely new and altered circumstances, of these fourteen-year-old resolutions. However, even the United States representative does not go so far. Like the others who have touched upon this question, he does not suggest that there should now be a plebiscite, say, in Kashmir in order to decide the fate of this part of the territory of India. None of those who referred to these old resolutions and who supported them so strongly has gone so far as to propose that they should be implemented because, if anyone

had considered the question in detail, it would have been more than obvious how unrealistic and completely unfounded such proposals would be at this time. As I said in my statement on 4 May 1962, these proposals might have had some usefulness fourteen years ago in the circumstances then prevailing and if a number of conditions mentioned at that time had been fulfilled.

It is now quite unrealistic to demand a plebiscite, just as, in the words of the representative of India; obviously no one would now demand a plebiscite in Texas, Ohio or any other state in the United States of America. Hence, when the question of the validity of the old resolutions is raised again and again, another question inevitably arises: do those who raise the matter themselves believe that it is now possible to implement such resolution as, for example, the resolution on the holding of a plebiscite? Do they believe this or not? Are they seriously making this suggestion to us or are they making it for reasons which have no bearing on the solution of the question before us?

I do not wish to answer for them, but I have very serious doubts that those who refer to the implementation of these old resolutions in new circumstances believe that the Council can really propose them as a plan of action now after fourteen years. This is why there is no longer any question of resurrecting, reaffirming, mentioning or recalling in some other way on behalf of the Council the significance and applicability of resolutions which the Council adopted in a quite different set of circumstances; there can be no question of this now. Such proposals can have no success in the Council. I have said this before and I say it again now.

There remains another argument used by the United States representative—the idea of mediation in the so-called negotiations between India and Pakistan. According to the Charter, negotiations between countries are a normal and natural means of arriving at the peaceful settlement of any dispute. This clear and important provision of the Charter naturally continues to have force and significance. However, negotiations can be useful only when both sides are interested

in fruitful negotiations. If one side wants to force the other to negotiate on terms which the other side finds unacceptable, deliberately laying down unacceptable conditions, such negotiations will achieve nothing, no matter how often reference is made to the provisions of the Charter, because what is needed in negotiations is goodwill and agreement between the parties, and not—I repeat—attempts by one party to force the other to agree to a basis for discussion which is unacceptable in principle.

This is why the second argument for continuing discussion of these questions also actually works against the person who uses it. The United States representative's argument that we should continue to seek measures of this kind in the Council here and now is inconsistent, because it inflames passions in the Kashmir question and provokes the discord which—we regret to say—is largely a consequence of the colonial epoch and of the ancient policy known as "divide and rule". But all this provocation is not in the interests of the people of Pakistan, the people of India or the United Nations and it naturally cannot be endorsed by the Security Council, as the principal organ responsible under the Charter for the maintenance of universal peace and security.

Thus these two main arguments—the resurrection of former resolutions of the Council and their reinstatement in some form, and the idea of insisting on mediation, which is unacceptable to one side, in the negotiations—are completely invalid. This I maintain. The whole sluggish, reluctant and drawn-out discussion of this question that now only a small group of members of the Council are trying to keep the debate going. I will make no guesses or assumptions why they are doing this; I merely note that only a small group of Council members want artificially to prolong the discussion of this question. All this and the general atmosphere in which the discussion has taken place show that we should merely take note of the statements made here by both the representative of India and the representative of Pakistan to the effect that neither side will take the initiative of using armed force in the Kashmir region and that we can therefore draw the conclusion

that the relative peace and calm which have for some time reigned in this region will continue.

Thus, the Council has no cause for alarm in connexion with Chapter VI or Chapter VII of the Charter, and no need to take any special or additional decisions. I therefore suggest that the wisest course would be to come to a full stop at this point and be satisfied with the exchange of opinions which has already taken place.

167. Text of the Speech made by Mr. Quaison-Sackey (Ghana) in the Security Council Meeting No. 1015 held on 21 June 1962

Very briefly I would like to correct a misunderstanding which might easily arise from the quotations which have been made from my speech which I gave before the Council two days ago. I want to emphasize that my speech is an integral and carefully and delicately-balanced whole, and any quotation from it might easily detract from the integral nature of the statement.

I think every representative is at liberty and in fact has a right to quote from speeches, but this is a matter which is a delicate one affecting two sovereign States. My Government's position has been—as was very clearly worded in my statement—to strike a balance without taking sides. In fact, reference to the UNCIP resolutions, for example, was qualified by the fact that my delegation—and I am quoting from my own speech—“...attaches due weight to all the changes that have occurred in the situation since these two resolutions were adopted” [1013th meeting, para. 17.]

I am intervening only to say that I would not like this impression to circulate: that in my statement I was leaning toward one side, against the other. As we made clear in our statement, both Pakistan and India are our good friends; and everything we have said here was to help the Council understand the situation, especially the changed circumstances, and try and find out whether, against that background, some kind of solution could be found.

I again insist that any solution which the Council would put forward, in its responsibility, should be such as to help the situation, in a manner acceptable to both sides.

Therefore, quotations such as have been made by my good friend, Mr. Plimpton, might easily cause a misunderstanding, because if he were to have analysed my speech very carefully, I made a number of qualifications and guarded nuances, and all these constitute my speech. Therefore, I want to draw attention to the nuances, the qualifications, and all the subtle points I have made in my speech which should be regarded as an integral whole.

**168. Text of the Speech made by Mr. Sosa Rodriguez
(Venezuela) in the Security Council Meeting
No. 1015 held on 21 June 1962**

I have asked for leave to speak for the sole purpose of making a correction to the part of my speech which was quoted by the representative of the United States just now [see para. 6]. There is a mistake in the English interpretation of that speech. What I actually said was : "...My delegation considers that on this occasion the action of the Council could be limited to recalling the basic principles contained in its previous resolutions and inviting the two parties..." [1014th meeting, para. 21.] The English interpretation of my speech is mistaken, for it reads "...The Security Council could well limit itself to recalling and reaffirming the basic principles of its previous resolutions..." The representative of the United States quoted the English interpretation, which, as I have just pointed out, is not an accurate translation of the words I used. I should therefore like to put the matter right so that the precise wording of my speech will be duly noted in the records.

**169. Text of the Speech made by Mr. Boland (Ireland)
in the Security Council Meeting No. 1016 held
on 22 June 1962**

The question of Jammu and Kashmir has been the subject

of a very full discussion here in the Council and all the members of the Council have expressed their respective points of view with regard to it. The Council now has the responsibility of coming to a conclusion on the question before it. In our view, that is a responsibility which the Council cannot shun or seek to evade consistently with its own prestige or authority or with the due discharge of its functions under the Charter. The discussion here in the Council has clearly shown that a large measure of agreement exists between members of the Council as to what the Council's conclusion on this matter should be. In our view, it is the duty of the Council to endeavour to give expression to that measure of agreement in a formal resolution. To refrain from doing so would mark a departure from the usual practice of the Council which, in the circumstances, would be difficult to justify or defend.

The draft resolution contained in document S/5134 aims to reflect as accurately and fairly as possible the consensus of the points of view of the majority of the Council as they have been expressed here. Members of the Council will observe that the text contains nothing new or unfamiliar. On the contrary, the ideas which it embodies have been thoroughly discussed both here at the Council table and in informal consultations between members of the Council over the past few weeks. We believe that the draft represents the widest possible measure of common agreement existing at the present time.

In the preamble, three different considerations are taken into account. First, the Council notes that it has received the last report of the United Nations representative for India and Pakistan and it expresses its thanks to Dr. Graham for it. Secondly, the preamble contains a paragraph noting with satisfaction the assurances given by India and Pakistan that they will refrain from the use of force as a means of settling the Kashmir question. Thirdly, the preamble contains a paragraph confirming the awareness of the Security Council that it has a responsibility under the Charter for helping India and Pakistan to reach a peaceful settlement of this question.

These last two preambular paragraphs are, of course, in close accordance with the views expressed by many members of the Council in the course of the discussion.

The operative paragraph 1 of the draft refers to the Security Council resolution of 17 January 1948 and the United Nations Commission for India and Pakistan's resolution of 13 August 1948 and 5 January 1949, all of which were accepted at the time by both India and Pakistan. References were made during the course of the discussion to the importance and significance of these resolutions in the effort to find a solution of the Kashmir question. Reference were also made to the changes of circumstances and political and other developments which have intervened within the fourteen years since these resolutions were accepted. It seems to us the appropriate and necessary to include a paragraph in the text reminding the parties of the principles of these resolutions.

The aspect of the question upon which the largest measure of agreement emerged during the course of the debate was the desirability of an effort being made by India and Pakistan to reach a settlement of the Kashmir issue by means of negotiations and agreement between themselves. The purpose of the draft resolution which we have submitted to the Council is to place the maximum emphasis, at this stage of the question, on this desirability. This is the object of the operative paragraph 2 of the draft. The text of that paragraph is, I think, self-explanatory. It urges India and Pakistan to enter into direct discussions at the earliest convenient time with a view to the settlement of the Kashmir question in accordance with the principles of the Charter, including Article 33 of the Charter, which itemizes the various procedures open to Members of the United Nations seeking a solution of their differences by peaceful means.

The next two operative paragraphs of the draft resolution are also self-explanatory. They urge India and Pakistan to endeavour to establish and maintain an atmosphere favourable to the direct conversations which it is the principal aim of the draft to further and, in this regard, to refrain from statements or courses of action which might

aggravate the situation. We are confident, in the light of what the representatives of India and Pakistan have said here at the Council table, that they will endeavour to do so.

I do not think I need add anything more at this stage. The draft resolution which we have had the honour to submit to the Council speaks for itself. Our purpose in submitting it is to enable the Security Council to reach a conclusion on the issue before it, as we believe it must be the aim of the Council to do. We hope that the draft resolution will commend itself to members of the Council as a worthwhile step towards bringing the question of Kashmir nearer to a peaceful, just and equitable settlement.

**170. Text of the Speech made by Sir Patrick Dean
(United Kingdom) in the Security Council Meeting
No. 1016 held on 22 June 1962**

I made the views of my delegation on the matter under discussion clear in my statement of 15 June [1012th meeting]. I do not wish to repeat anything that I said then, but I should like to say a few words about the draft resolution that is not before us and which has been so persuasively commended by the distinguished representative of Ireland.

It will be evident from my statements to the Council that this draft resolution accords with the principles which my delegation thought the Council should bear in mind and with the action which my delegation thought that the Council ought to take. My delegation will, therefore, vote in favour of its adoption.

I must at this stage once again make it clear that in this dispute the United Kingdom Government has no side to take, no axe to grind. My delegation has done its best throughout our discussion here to act with complete impartiality as between the two sides. We are embarrassed distressed by a continuing sharp disagreement between two Commonwealth countries with both of whom the United Kingdom has such close relations. The efforts of my delegation have been directed towards finding a conclusion to the Council's discussion that would be fair to both India and Pakistan and acceptable to

both. Perhaps we hope for too much, but this draft resolution, in our considered opinion, comes near to this objective. Above all, it seems to encourage the type of direct bilateral discussion from which alone the eventual solution of the Kashmir problem can emerge.

I conclude, therefore, by commending this draft resolution to the Council and to the parties. I hope that it will be accepted in the spirit in which I am sure that it is offered—as a sincere and constructive attempt, prejudicial to neither party, to take a step towards an eventual solution of the problem before us.

**171. Text of the Speech made by Mr. Morozov (Union
of Soviet Socialist Republics) in the Security
Council Meeting No. 1016 held
on 22 June 1962**

It is not difficult to see that the draft resolution which the delegation of Ireland has submitted for the consideration of the Security Council [S/5134] basically corresponds to the so-called "summary" made by the United States representative at the meeting held by the Council yesterday.

Immediately after this statement the USSR delegation demonstrated that this so-called summary, being inaccurate and incomplete, did not correctly reflect the course of the discussion and that, in particular, the draft resolution, which is practically a photo-copy of the United States summary and reproduces some of its conclusions, or in fact any resolution on this subject, is absolutely unnecessary in view of the wide exchange of views that has taken place.

Historians may be interested by the report emanating from Press circles at the United Nations that the draft resolution was originally co-sponsored by yet another delegation, not only by the delegation of Ireland, and that at the last moment this second sponsor's name was removed from the document issued under the symbol S/5134. I do not know whether that was really so, but in any case a comparison between the record of yesterday's meeting of the Security Council and the text of this resolution offers abundant proof

of the correctness of the Indian representative's remark that the initiator and moving spirit of this resolution is the delegation of the United States of America. Of course, every delegation is entitled to act as it sees fit, and I can see nothing prejudicial in this from the procedural point of view, but on the political plane I cannot fail to stress this circumstance and to associate myself with the conclusion advanced here just now by the representative of India.

I should like to remind you that, as recently as yesterday, not only the USSR delegation, but also the delegations of other countries represented in the Council commented on the United States representative's incorrect interpretation and incomplete and inaccurate description of the positions they took here in the Council.

The USSR delegation considers that the Council should reject all attempts, at this stage of the discussion and after such significant delays and protraction of the debate under various pretexts, to impose on it at all costs a draft resolution which reflects a one-sided and hence incorrect view of the question of Kashmir.

A careful study of the draft shows that its central idea is, as the United States representative asserted more than once, that our earlier resolution on holding a plebiscite in the (territory of Kashmir in order to determine whether this territory belongs to India or to Pakistan is still in force at the present time.) This idea is still the central factor of the draft resolution now before the Security Council, as is perfectly evident from the fact the operative part of the resolution begins with the proposal to remind both parties of the principles contained in earlier Security Council resolutions and, in particular, in its resolution of 17 January 1948 and in the resolutions of the so-called United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949.

And yet, gentlemen, it is no secret to any of you that these are the very resolutions which contain detailed proposals for holding the plebiscite. Accordingly, the crux of the matter, as was amply proved during these debates, lies in the fact

that certain members of the Council still consider it necessary to hold a plebiscite for the above-mentioned purposes.

We have already pointed out in our statement of 4 May 1962 [1010th meeting] that the resolution about this plebiscite was adopted by the Council in quite a different set of practical circumstances and that the resolutions adopted by the United Nations Commission for India and Pakistan rested on conditions which were prerequisites for carrying out this whole plan. The most important condition—and I must apologize for having, so to speak, to return from Z to A, but that is not the fault of the USSR delegation—was the preliminary withdrawal of Pakistan troops from the entire territory of Kashmir.

Let us not embark now upon a repetition of all that we have heard and said during all the meetings—and they were lengthy and protracted enough—that the Security Council has devoted to the examination of this question. Suffice it to say that years have passed since these proposals were submitted and adopted, and life has taken its course. In the territory of Kashmir which is under Indian jurisdiction, three elections have been held, in which the population of that part of the country, representing three-fourths of the whole population of Kashmir, successively and freely expressed its will. During these years, Kashmir has become an inalienable part of India.

That is why in the present circumstances the request for a plebiscite in the territory of Kashmir is, as we have already pointed out, quite unreasonable. It is perfectly obvious that this request casts doubt on the fact that Kashmir belongs to India.

That is why we cannot endorse the proposal that the Council should now reaffirm all the resolution which it and the United Nations Commission for India and Pakistan adopted in quite different circumstances. The purpose of this proposal is to ensure that this main difference of opinion concerning the situation between Pakistan and India should be settled in favour of Pakistan, that is to say, settled in favour of one of the parties.

Assertions have been made here—as in the statement of

the Irish representative, who defended this draft, to our deep regret—that the question is simply one of noting that the relevant resolution was at one time taken by the aforementioned organs of the United Nations. Such references and such assertions only serve to show that some delegations are so anxious to bring about the adoption of the draft now before the Council that they are ready to contradict the very text of the draft and their own earlier comments on it.

It is obvious to all that the key reason for introducing the draft is the holding of the so-called plebiscite, which in the present circumstances would be nothing but open interference in the domestic affairs of India, as Mr. Krishna Menon, the Minister of Defence of India, so rightly said here. If that is not the aim of the authors of the draft resolution, why do they include in their text the aforesaid reference to earlier resolutions of United Nations organs which mention the holding of a plebiscite? Surely they have not set themselves the task of writing, from their seats in the Security Council, a kind of historical monograph in which everything that happened in the period they are describing must be stated with equal emphasis?

It is self-evident that what may be appropriate for historical studies, which must refer to everything that happened during the period under discussion, is naturally inapplicable to the political decisions of the Security Council, which are taken in the light of the practical circumstances and conditions prevailing at the time when the decision is taken. The attempt to create the impression that all this is mentioned, so to speak, for the love of the art of history is doomed to failure; it cannot and should not mislead anyone.

Moreover, it is perfectly obvious from the context of the draft resolution that the negotiations between the Governments of India and Pakistan, the renewal of which is urged in the draft, are to take place on the basis of the principles set forth in the now outdated resolutions of the Security Council and the United Nations Commission on Kashmir. That, gentlemen, is the real purpose of "recalling" the principles contained in those resolutions.

Neither references in the draft resolutions to the provisions of Article 33 of the United Nations Charter, which no one has contested, nor any other references to the provisions of the Charter, nor the greatest skill and vigour in argument can conceal this central aim of the draft, which we consider to be basically defective for reasons we have repeatedly stated. No references to the Charter or the most pious quotations from it can conceal the barefaced attempts that some members of the Council are making to adopt positions on the Kashmir question which are contrary to the facts and to the true historical development of the situation. That is why the appeal in the draft resolution that India should enter into negotiations with Pakistan on the substance of the question represents, in the light of what I have said, an attempt to impose on India negotiations which would be conducted on a basis pleasing and advantageous to one side only and unacceptable to the other side.

At the same time, although the paragraph of this draft resolution which relates to the negotiations does not refer to mediation by a third party, as did the draft which was not submitted, but was so widely bruited about in the halls of our Organization that it has long been an open secret—although the new draft does not refer directly to mediation by a third party, paragraph 5 of the draft nevertheless in essence contains this idea of mediation, in a somewhat different form. And yet we have already heard several statements here from the Indian representative to the effect that interference by third parties in the negotiations between India and Pakistan would be unacceptable. Then what grounds are there for believing that the adoption of such a resolution can help to clear the atmosphere and to ensure the normal course of any negotiations which may be conducted between India and Pakistan?

Moreover, it should be noted that, as the Indian representative has pointed out, India has never in principle rejected the idea of bilateral negotiations between itself and Pakistan. However, as it has rightly been pointed out here, these negotiations should take place on an equal footing, without any interference by third parties and without any attempts to impose an obviously unacceptable basis for such negotiations.

Moreover, it should be noted that the proposed draft also fails to reflect the real situation in that it absolutely ignores the historical fact that, as early as 1948, it was India, gentlemen—and this cannot be disregarded if we are to see this question in its proper historical perspective—which brought the question before the Security Council, after Pakistan troops had occupied the territory of Kashmir. As we all know, Pakistan troops continue to occupy approximately one-third of the territory of this country, containing about one-fourth of the total population of Kashmir.

Accordingly, when the draft resolution attempts to place on an equal footing both the State which originally brought the question before the Security Council and the State which was called upon to answer for its actions at that time, we cannot regard that view of the situation as objective. And yet that is manner in which the question is presented in operative paragraphs 2, 3 and 4 of the draft resolution. Accordingly, seemingly well-intentioned appeals for negotiation, for the maintenance of a favourable atmosphere, and so on and so forth, assume an obviously hypocritical character in the light of the motive to which I have just referred. These proposals should be viewed not outside the context of the resolution as a whole, not outside the context of the whole course of historical events over the past fourteen years, but in close connexion with this course of events. It will then be seen that it is impossible to support even that part of the draft resolution which contains what people who are not familiar with the history of this question and have not studied the relevant documentation might regard as harmless provisions, resembling the provisions of the United Nations Charter. We have never yet allowed the correct provisions of the United Nations Charter to be interpreted in contravention of the factual situation and, in the final analysis in contravention of the spirit and principles of that Character. Accordingly, the wording of these paragraphs cannot mislead anyone and, in my opinion, ultimately will not mislead anyone.

That is why, in the light of all the aforementioned circumstances, the USSR delegation opposes the adoption of

this draft.

A decision such as the one which is being imposed on us here, under the guise of the best and most pious intentions, can only serve to aggravate tension in the relations between India and Pakistan, and that is obviously contrary both to the interests of the peoples of these countries and to the interests of the maintenance of universal peace and security and hence undoubtedly at variance with the functions and role of the Security Council, as the organ of the United Nations bearing the principal responsibility for the maintenance of universal peace and security.

In conclusion, we feel obliged to repeat what we said in our statement on 4 May and in our statement at yesterday's meeting of the Security Council, that the Council would do well to note that the Government of India and subsequently the Government of Pakistan declared during our debate that they would not take the initiative in using force to settle the question of Kashmir, and also that neither side rejects the idea of bilateral negotiations.

We believe that such an outcome of the discussion in the Security Council would be the best way of promoting the rapid elimination of differences between Pakistan and India on the Kashmir question, differences which, moreover, are nothing but a consequence of the era of colonial domination. We believe that such an outcome of the discussion would further the establishment of friendly relations between the two countries in the future and that this would be in the interests of the peoples of India and Pakistan and would promote the strengthening of peace in that region and in the whole world.

**172. Text of the Speech made by Mr. Stevenson
(United States of America) in the Security
Council Meeting No. 1016 held
on 22 June 1962**

I hope that the members of the Council will not object and will indulge me while I make a few remarks on this historic day in the Security Council. It is a day that should not pass

without notice. A permanent member of the Security Council has just cast its one hundredth veto.

From the beginning of the United Nations one of its special characteristics has been the voting procedure in the Security Council. We all recall the serious deliberations which took place at San Francisco concerning the nature and the import for the future of the veto right for permanent members of the Security Council. The veto was given to the permanent members primarily because it would be their military and economic power which would have to be used to sustain and enforce Security Council decisions directly affecting vital world interests. The representatives of the small and middle-sized States emphasized their anxiety that the veto might be used to hamstring the Security Council. In order to meet such fears, the four sponsoring members of the Conference set forth their conception at that time of the unanimity rule, with which the delegation of France also associated itself. The big Powers, including the Soviet Union, specifically stated "that it is not to be assumed that the permanent members, any more than the non-permanent members, would use their veto wilfully to obstruct the operation of the Council". That was the way we started at San Francisco seventeen years ago this very week, I believe.

What has happened since ? Before the first year was out, the Soviet Union had cast nine vetoes. The Soviet member of the Council has today cast its hundredth veto. For fifteen years, the Soviet Union on occasion after occasion has sought to obstruct the operations of the Council, sometimes where Soviet plans and prestige were directly and clearly involved, and at other times when Soviet interests were not directly involved, save that the continuation of friction might contribute to Soviet objectives.

The Soviet Union has used the veto lavishly to prevent States from assuming their rightful place in the United Nations. In fact, fifty-one of these vetoes were cast on applications for membership of the United Nations. Ireland, a member of this Council, was denied membership for nine years. So were Jordan and Portugal, Austria, Finland and Italy were kept out

for eight years. Ceylon was kept out for seven years, Nepal for six years. Mauritania was vetoed in 1960 and Kuwait in 1961. Korea is still not a member. The veto has been used to tie the admission of clearly qualified States, for which there was widespread support, to the admission of States and regimes about whose qualifications for membership there were grave doubts; this, despite the fact that the tying of the admission of one applicant to that of another has been specially held by the International Court of Justice to be contrary to the Charter.

The Soviet representative used the veto thirteen times to assist Soviet bloc activities against the territorial integrity and the political independence of other States. When the Soviets subverted Czechoslovakia in 1948 the Soviet representative vetoed Security Council moves to investigate the case. When communist-supported guerrillas tried to overturn the independence of Greece in 1946 and 1947, the Soviets again vetoed a Security Council investigation. When Thailand asked the Security Council to act again attempted infiltration from Indo-China in 1954, the Soviets again vetoed.

**173. Text of the Speech made by Mr. Morozov
(Union of Soviet Republics) in the Security
Council Meeting No. 1016 held
on 22 June 1962**

Mr. President, this is, of course, the beginning of a very interesting lecture, reviewing all the occasions on which the Soviet delegation has used the veto.

I should be prepared to hear out such a review if it were in line with the agenda item which we are now considering. However, the agenda item is not entitled "Review of the use by the Soviet Union of the right of veto in the Security Council since the inception of the United Nations". Only when we have placed such an item on the agenda shall we be able to listen to anything which any member of the Council may say in this connexion, including the distinguished representative of the United States.

For the moment, however, since we are not considering such an item, but, an item which is entitled "The India-Pakistan

question" and which is known to world public opinion as the "Kashmir question", it would be proper for you, Mr. President, to use the discretionary rights vested in you under the provisional rules of procedure of the Security Council and to explain to the United States representative which item we are now engaged in considering, and if, now that the draft resolution has been put to the vote, the United States representative has nothing to say in explanation of his vote, then perhaps he will be kind enough to postpone his very interesting popular lecture to another time. But now we obviously have further explanations of vote to listen to, and I therefore raise this point of order and ask you, Mr. President, if you wish to carry out your duties impartially, to call the United States representative to order.

As far as the USSR delegation is concerned, we shall exercise our right to explain our vote on the draft resolution when the time comes.

I request you, Mr. President, to settle the point of order which I have just raised.

174. Text of the Speech made by Mr. Stevenson (United States of America) in the Security Council Meeting No. 1016 held on 22 June 1962

Mr. President, I do not have much more to say. Before I proceed I must say that I was not aware, if I understood the representative of the Soviet Union correctly, that my shoe was on the table. I wonder if he could have confused me with some one else who has still other uses for shoes and tables.

When I was interrupted for the second time, I was saying that the veto has been frequently used to prevent the United Nations from investigating charges brought to the Security Council by the Soviet Union itself. On at least four occasions, with the use of six vetoes, the Soviet Union refused, after using the Security Council to air its charges, to let its own assertions be examined.

I invite your attention to 1950, when the Soviet Union charged the United States Air Force with the bombing of

Communist-held areas of China. The Soviet Union vetoed a commission of investigation.

In 1952, the Soviet representative climaxed one of the most shameless falsehoods in history, the long crescendo of accusations that the United States and the United Nations troops were employing germ warfare in Korea, by bringing the issue before the Security Council and then promptly vetoing a proposal for an impartial examination.

In 1958, when the Soviet Union purported to be concerned about United States flights over the Arctic Circle, the United States proposed an Arctic inspection zone. That, too, was vetoed.

In 1960, when Soviet fighter planes destroyed a United States RB airplane over international waters, the Soviet Union vetoed two separate proposals for investigations, one of them asking only that the International Red Cross be permitted to assist any surviving crew member of the plane.

In each of these cases, the Security Council tried to exercise its proper peace-keeping function through systematic investigation. In each case, after having brought the charge, the Soviets vetoed the attempt at a remedy.

One of the most disturbing facts also revealed in the history of a hundred vetoes is the consistent effort to prevent the Security Council from developing processes of peaceful settlement. Not only do many of the vetoes I have referred to fall into this category, but most of the remaining ones were also cast against efforts to promote peaceful settlements: four times with respect to Spain in 1946; once again on a resolution on troop withdrawals from Syria and Lebanon in 1946, not because the resolution was wrong but because it was not extreme enough; twice in connexion with problems arising at the time of Indonesian independence; once against Security Council recommendations for a solution of the Berlin blockade in 1948; once on Goa; twice to prevent extension of United Nations peace-keeping functions in Lebanon in 1958; and five times since 1960 in the Security Council consideration of the Congo. The USSR also vetoed four resolutions in the field of disarmament.

Distortion of the veto power has been a fact of life in this Council. It is a fact that led to the "Uniting for Peace" procedure, adding to the United Nations peace-keeping machinery a flexible means whereby United Nations Members can assure that the United Nations primary function of preserving the peace will be carried out. The veto does exist, within its proper context, as a recognition of political reality. But it is a privilege to be used, not to be abused. And abused it has been, for the Soviet Union has wilfully obstructed the operation of this Council. It has violated that part of the four-Power declaration at San Francisco in which the Powers agreed not to use their veto wilfully to obstruct the operation of this Council.

So much for yesterday and for today. What of the future? The Council is a vital, purposeful organ of the United Nation, in spite of the veto. It provides vital and purposeful direction and leadership, and, in areas of its work where the veto does not apply, we believe the Council might well widen its activities and increasingly provide that direction and that direction and that leadership in our affairs.

As for the veto itself, we hope that, long before the Soviet Union approaches its two hundredth veto, it will realize that its own interests lie not in national obstruction but in international co-operation, not in wilful vetoes for narrow ends but in willing assents for the broad and common good for which the United Nations stands.

**173. Text of the Speech made by Mr. Morozov (Union
of Soviet Socialist Republics) in the Security
Council Meeting No. 1016 held on
22 June 1962**

In its statement opposing the draft resolution the Soviet delegation explained in some detail the basic principles which led it to the conclusion that it would have to object to this resolution.

Until the very last moment we had hoped that good sense and awareness of the need for objectivity would prevent

the submission to this Council of a document which, as is now clear from all that has happened—and, if anyone had any doubts about it, was made quite clear by the statement of the United States representative—was inspired and prepared by the United States of America for purposes which have nothing in common with the tasks of maintaining tranquillity creating friendly relations and strengthening peace in the Kashmir region.

It is also now completely obvious—from the fact that Mr. Stevenson used a text worked out and prepared in such detail and having nothing to do with the subject under discussion—that this whole “production” was well rehearsed and took place, so to speak, under the over-all stage-management of the United States of America.

Since I intend to confine myself to an explanation of the reasons why the Soviet delegation voted against this draft resolution, I shall refrain from assessing the political significance of this whole venture. However, the whole world can see that all this, including of course this draft which was presented to us here with pious words—all this is directed towards aggravating to the utmost the relations between the two Asian countries. I have already had the honour to tell the Council who it is who stands to gain by thus setting the two countries against one another—when I pointed out that what had been put to work here and was continuing to work at full speed was the ancient formula “divide and rule”—and drawing the corresponding political advantages from this division. I do not think I need to expound in detail who is doing this and for what purposes.

That is why we were deeply convinced that the adoption of such a decision would merely add fuel to the flames, merely heighten the tension prevailing in the region we are now discussing, merely aggravate the situation which has arisen there and about which both the Indian and the Pakistan Governments have fortunately declared that neither one of them would take the first step towards resolving this problem by force.

That is why we considered that all attempts preceding

the submission of the draft, which originated in such peculiar circumstances, circumstances characterized by delays, postponements, and pressures first by the group of five which was working on it then by the group of three, then by two, then finally by one or two delegations (I directly assert that the United States Delegation intended to submit this draft today and removed its name from it at the last moment)—this whole operation, this exceedingly malodorous operation, could not of course lead the Soviet delegation to support such a draft.

This is my first observation, and I would confine myself to it, if I did not have a few words to say about the statement of the United States representative. What is that American magazine called *Reader's Digest*, in which one can find a ten-page synopsis of *Anna Karenina* in which Leo Tolstoy's style is supposed to be preserved? It was that kind of compilation, containing the complete works of Mr. Lodge from 1952 until the moment he left his post, that Mr. Stevenson unfortunately presented in this American type of condensed version. Mr. Stevenson had reasons which, of course, had nothing to do with the question under discussion and which cannot help to create a businesslike atmosphere in the Security Council.

I have, in one capacity or another, taken part in, or sat in at, most of the meetings of the Security Council at which the Soviet delegation used this Soviet veto, including fifty-one cases where it was used in connexion with the admission of new Members to the Organization. Let us begin with these fifty-one votes, so that we can clear them out of the way.

It is obvious to every impartial observer that these negative votes by the Soviet Union were provoked by the refusal of the United States and its military allies, for reasons of favouritism and without any arguments or grounds whatever which might have found support in the Charter, to admit a number of States which, being responsible and qualified, were also eligible for membership in the United Nations.

Many of these countries are now fortunately represented in the United Nations and some in the Security Council as well. The United States and its allies had sufficient wisdom in the end, after many years (seven, eight, ten and more, and

in the case of the Mongolian People's Republic, almost sixteen), and enough courage to vote for the admission of these States to the United Nations, and the impasse which had been created by the United States of America was immediately overcome.

I was a member of the Soviet delegation when these fourteen new Member States were admitted to the United Nations, and I must say that as soon as the United States removed its veto—the veto with which it had barred the admission of a number of new States without any justification—the whole matter was settled literally within the space of half an hour, both in the Security Council and in the General Assembly.

We all witnessed the final repercussions of this affair last year, when the question of the admission of the Mongolian People's Republic was settled and that country at last took its rightful place in the United Nations family after sixteen years of fruitless efforts—efforts which had been constantly frustrated by the political resistance and sabotage of the United States of America.

The right of veto in the Security Council is a sagacious provision, the cornerstone of the United Nations Charter. Without the right of veto it is not difficult to imagine what would have been the shape of many of the Security Council's resolutions, which would have meant success for the United States in its attempts to rule the whole world. But the real balance of power in the world is not such as to allow the United States to rule the world or to impose its will on other States—not, at least, on many of the States on this earth—and the United States tries to compensate for this lack of real power, such as would allow it to impose its dominion on the whole world, by making violent attacks here in the United Nations against the so-called right of veto.

We are proud of the occasions on which we use this veto in the interests of universal peace and security—on such occasions, many of which were recalled by Mr. Stevenson, as when we rightly supported India's position in the question of Goa, which was also accounted one of our mortal sins by the

United States representative, or when we prevented, or tried to prevent the policy of imperialist aggression in the Congo, and on many other occasions enumerated here.

I do not intend to go over this whole keyboard of Mr. Lodge's on which Mr. Stevenson gave us such a fine recital today—nor, indeed, is there any need for me to do so. There is no need to go over it in order to say that we have supported the principle of the Charter and the strengthening of the United Nations, and intend to go on doing so. We intend to vote in the Security Council only for decisions likely to promote the maintenance of international peace and security.

We are prepared neither to participate in nor to be passive witnesses of this completely unambiguous political game which has been played out here, at this meeting and at earlier meetings of the Council, in which the Kashmir question has been used to increase tension in the relations between two Asian countries and thereby to undermine international peace and security. We have never taken part and never will take part in operations of this kind.

I believe that neither Mr. Stevenson, nor the United States Government has the right to pass judgement on the policy of the Soviet Union. This policy is well known to the peoples of Asia and Africa. However, we do not expect the approval of those who attempt to impose their own will or their colonial policy in such question as Goa, the Congo, etc., etc.

Permit me to conclude with that, and to say that when this meeting of the Council is over we shall nonetheless go away satisfied despite the strained atmosphere which was created in the closing stages of the debate deliberately and for definite political purposes.

We shall go hence with satisfaction, for we have heard the Indian representative declare that his Government will not be the first to resort to armed force in the Kashmir question; we have also heard, although not quite so clearly worded, a statement to the same effect by the representative of the Pakistan Government. We have heard, moreover, that neither side rejects the possibility of talks on this matter, and if such

talks take place without the interference of third parties, in a business-like and harmonious atmosphere, we are confident that the maintenance of international peace and security in this area will be assured.

**176. Text of the Speech made by Mr. Sidi Baha
(Morocco) in the Security Council Meeting
No. 1090 held on 10 February 1964**

My delegation has listened with particular attention to the statements made to the Council by the distinguished representatives of Pakistan and India.

Relations between these two great countries with respect to the thorny question we are considering have been highly unsatisfactory for a number of years, and this is indisputably one of the problems which causes my country most concern. My Government has very close relations with the Governments of both Pakistan and India, based on strong ties of brotherhood and friendship and on the lofty principles of Afro-Asian solidarity. As His Majesty the King of Morocco has said on various occasions, the principles, largely inspired by the thinking of great men like Gandhi and Prime Minister Pandit Nehru, constitute the guiding idea which underlies our concept of non-alignment and all our activities in the international sphere.

My country will always remember the effective help which these two great sister nations gave to our struggle for national liberation and the major contribution which they were able to make, after becoming independent, to the struggle carried on by the other peoples of Africa and Asia in the name of freedom and independence.

I also take pleasure in recalling here that it was in this same spirit of solidarity that my country, like so many others, fully supported India at the time of its decision to terminate Portuguese colonial rule in the enclave of Goa.

This being so, I need hardly tell you to what extent we, as friends, are affected by the repercussions of this acute crisis and how relieved we would be if the two parties to the dispute should one day reach a solution which was just and equitable

and hence capable of giving satisfaction to all concerned, including the population of the state of Jammu and Kashmir.

In that way the two countries could, for the greater good of their peoples, inaugurate a new era in their relations, establishing a policy of good-neighbourliness and friendly and fraternal co-operation—a policy based, moreover, on a community of culture and civilization and on particularly strong bonds of Kinship. We shall not cease to hope and pray for this result.

In the interests of finding a solution to this grave problem and of limiting the scope of the crisis as much as possible, my delegation considers it highly desirable for the two Governments henceforth to refrain from taking any kind of unilateral action that might give rise to new complications or in any way call in question the decisions which the Security Council has already taken in agreement with the parties concerned and in the application of which they agreed, at one time, to co-operate.

We feel that, in the interests of peace and security in this sensitive part of the world, each of the parties to the dispute should do what is necessary to lessen the danger and bring about the "detente" which is essential if the problem is to be resolved by negotiation. That, in my delegation's view, is the minimum which, in the circumstances, the Council should ask for.

The gravity of the problem which the Council is now considering at the request of Pakistan is certainly nothing new. The stakes, on the other hand, seem recently to have assumed larger proportions as a result of intensive military and diplomatic efforts, and this, unfortunately, appears to have made the situation even more complex. Finally, there is the fact that time, instead of helping to decrease the tension, as might have been hoped at the outset, has served only to widen the gap between the two positions.

In these circumstances, we believe that the time has come for one and all to realize the danger which threatens peace and to weigh their full responsibilities. My delegation,

for its part, is convinced that the statesmen of Karachi and New Delhi, because of the great moral and spiritual values which they represent and which are built up of tolerance, justice and patience, will realize the advantages of discussion between them and will undertake the search for a peaceful solution to this problem with all the requisite zeal and energy. In this way they will spare their peoples the serious consequences of a tension which, despite all the efforts made by United Nations, has become permanent. At the same time they will eliminate the threat of a tragedy whose consequences, not only for their own countries but surely for mankind as a whole, be incalculable.

In this matter, involving as it does a conflict between two sister States, it goes without saying that many countries, including my own, would prefer not to take sides—considering it the part of wisdom and good sense for the common friends of Pakistan and India to do everything possible to enable the dispute eventually to be settled through peaceful negotiations in a spirit which is one of mutual concession and of conformity with the earlier resolutions. My Government's determination to leave no stone unturned in its efforts to help overcome the difficulties arising from this conflict is equalled only by our desire that the two parties should agree to sit down together and reach a solution based on respect for rights, including the right of peoples to decide their own future. It is interesting to note, indeed, that the parties to the dispute have on numerous occasions and in various circumstances defined, each as concerns itself, positions favourable to a formula which would permit the people involved to decide its own destiny.

In my delegation's view, it is only on this basis perhaps, that a valid and at the same time lasting solution can be found for this serious dispute which has, unfortunately, developed from a specific situation recognized by all as having given rise to serious controversy. Thus the two parties, assisted by all their friends and with the help of the United Nations, will succeed in terminating the existence of a problem—that of the State of Jammu and Kashmir—which is so

prejudicial to all of us. They will thereby remove a source of tension which for more than sixteen years has been an obstacle to rapprochement between their two sister and neighbour countries.

177. Text of the Speech made by Mr. Usher (Ivory Coast) in the Security Council Meeting No. 1090 held on 10 February 1964

The Security Council is meeting to discuss once again the so-called question of Jammu and Kashmir at the request of Pakistan.

In order to establish the facts of the problem as they now stand, we have before us the letter dated 16 January 1964 from the Minister for External Affairs of Pakistan [S/5517] and the letter from the Permanent Representative of India dated 24 January 1964 [S/5522] informing us that the charges contained in the letter of 16 January have been dealt with in three previous letters from the Permanent Representative of India addressed to the President of the Security Council.

It is clear from those documents and from the events which have just been recounted to us that Pakistan is accusing the Government of India of violating the Security Council resolutions of 30 March 1951 and 24 January 1957, as well as those of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, by seeking to annex the part of the State of Jammu and Kashmir which is held by India. In support of its argument, Pakistan refers to the legislative and constitutional changes which the Indian Government is seeking to bring about.

Without, apparently, rejecting those charges, India replies that Jammu and Kashmir has been an integral part of India since 27 October 1947 under the British so-called Government of India Act of 1935, as amended in 1947. It is argued, therefore, that the question is a purely internal one.

The Security Council, alas, has had many opportunities to define its position. Its views are stated in well-known resolutions. We are not being asked to invalidate them, any

more than we can be asked at this stage to prepare and indictment, to judge and to condemn. That would be futile; moreover, it is my delegation's understanding that our task is to take measures to bring about progress towards a just and honourable solution of the problem.

However, before dealing with the problem itself, my delegation would like to restate certain fundamental principles. First, we accept all the resolutions of the Security Council and we also recognize their dynamic nature; secondly, we reaffirm our devotion to the sacred principle of self-determination; thirdly, we also condemn racial and religious discrimination. That is the spirit in which we approach this debate, seeing for ourselves with great sorrow and regret the distressing results of the violence which has occurred and which cannot be explained away by reason of passion.

In view of the gravity of the question and the possibility of a deadlock in the Council, every possibility of settling the matter which comes to mind should be thoroughly explored and we must say at once that there is a glimmer of hope. This hope, which already existed in 1951 and 1957, has become a little dimmer in 1964 because the situation is so fluid. But it is still something to hold on to since, in the interest of peace, we must cling to some hope rather than give way to despair.

The peoples of Pakistan and India are one and the same people. For centuries they have lived on good terms side by side. There are Muslims in India and Hindus in Pakistan. Surely a Muslim is no different physiologically from a Hindu, a Christian or an atheist? And yet, whole communities rise up against each other and slaughter each other—acts of madness which claim tens, hundreds and thousands of lives. The minorities are hostages; they live in constant insecurity which becomes more acute as relations between the two countries deteriorate. Neither the world nor the Security Council should accept this state of affairs. It has made the leaders of the two sister nations sick at heart.

The President of India has asked the President of Pakistan to join with him in appealing to the people of the two countries to maintain peace and harmony. The President

of Pakistan is also asking the Indian authorities to take effective measures to restore peace and order and to give the Muslim minorities a feeling of security once again.

We cannot fail to note the pathetic appeal made by the President of Pakistan to the President of India, which was read to us by the Minister of External Affairs of Pakistan, and I quote :

“By blaming and thus impliedly condoning communal killings and destruction in one country on similar instances in the other, we might unwittingly lend encouragement precisely to these evil forces which it is Government's duty to curb.... Let leaders in each country look into their own hearts and resolve to put their own house in order.” [1087th meeting, para. 70.]

It has been proved that the two countries are so closely bound together that nothing that happens in one can fail to be of concern to the other. It has been proved that each needs moral guarantee from the other in order to maintain peace within its own borders. Lastly, it has been proved—if such proof were necessary—that the two countries are suffering morally and materially from this state of latent crisis.

Consequently the immediate practical action open to us is to assist the Governments of India and Pakistan to establish the conditions for internal peace in their respective countries. For this they must do two things : first, restore a climate of understanding between the two countries and peace and harmony between the communities by putting an end to the war being waged in the Press and over the air which can only foster hatred and exacerbate tensions between them with all the risks of open conflict inherent in such a situation; secondly, use the influence of the elected authorities and leaders to ease the minds of the people, particularly the majorities, and thus prevent a recurrence of violence and ensure the security of the communities.

We believe that if each party took those steps within its

own territory it would be furnishing the best proof of its desire to seek a peaceful solution to the dispute we are considering. It must, however, be recognized that these are only tentative solutions, applicable only to the immediate present, and that Kashmir must cease to be a constant subject of tension in Indo-Pakistan relation—must cease to be the cause of internal disorder it has been since 1947.

The disinterested, neutral observer cannot but notice that any complication, any instability in Kashmir not only has an immediate effect on the relations between India and Pakistan, but creates a feeling of insecurity in both countries. My delegation is among those which believe that enough everything may have been said, tried and done in the matter, it is our duty, out of friendship for the two countries and in the interest of averting the threat to peace and security in that part of the world, not to sidestep the fundamental issue.

To that end, we shall begin with the statements of leaders whose words are to be trusted. In his speech of 26 January, on the eve of the national holiday, President Radhakrishnan, according to France-Presse, asserted his desire to bring about peace in the world and stated that in its relations with China and Pakistan the Indian Government was guided by the desire to reach a peaceful and honourable settlement of questions in dispute. In its letter of 24 January the Indian Government once again appeals to the Government of Pakistan to join with it to devise ways and means of bringing to an end the recurring cycle of such incidents and disturbances which were poisoning relations between the two countries.

The representative of India likewise reiterated before the Security Council that he believed in discussion, in the solution of differences by means of conferences, and he added: "we will welcome Pakistan to sit with us and resolve our differences" [1088th meeting, para. 87].

All these admissions convince us of the possibility of a rapprochement. And that, in our view, is something we can work with. While it is true that throughout this long Kashmir episode we may sometimes have wondered about the underlying intensions of one party or the other, including these

friends, we now feel that the statements quoted are in keeping with the methods laid down by the Heads of African States and Governments at Addis Ababa and proclaimed by them as doctrine in the Charter of the Organization of African Unity : the ultimate purpose of dialogue is a positive result.

We would hope that Pakistan would react to that attitude with that constant concern for accommodation and that virtue of willingness to make concessions which it has shown ever since the problem of Jammu and Kashmir first arose. For that matter, Pakistan has not eliminated that possibility as a means of bringing the two countries to the inexorable and logical end of their road, namely, the good neighbourliness and friendship to which they have been destined by their long common history. Moreover, the Minister for External Affairs of Pakistan also stated in the Security Council : "It is within our power to find the means to live in peace, provided there is a will to live in peace." [1087th meeting, para. 97].

These statements in which the words "peace", "just", "honourable" are used again and again are in conformity with the Purposes and Principles, and in particular, with Chapter VI, of the United Nations Charter.

In the light of all this, we are tempted to ask India and Pakistan to resume negotiations, leaving it to them to seek the good offices either of a State or of some eminent person if they should feel the need and the desire to do so. Of course, that solution does not fully satisfy the parties concerned. One of them is merely asking for an appeal to bring their mutual relations into harmony, for a negotiation of differences, and no more. The other considers our proposals too vague and wants us, in a resolution, to reaffirm the Council's previous decisions, the right of self-determination and mediation by the Secretary-General.

The proposals of India and Pakistan are so far apart that they seem to be irreconcilable. The bonds of friendship between the Ivory Coast and both of those countries, and its solidarity with them within the framework of the African-Asian group, precluded it from siding with one against the other.

Nevertheless, we wish to discharge our responsibility as a

member of the Council. We have been considering as one possible solution the proposals which a number of delegations with which we have been in contact since the beginning of our discussions of the subject have encouraged us to submit to the Council.

These proposals may be embodied in a resolution, or in an appeal by the President of the Council. My delegation would go along with a resolution if the majority of the Council so desired, but it prefers an appeal. We are therefore prepared to give full support to an appeal which would read as follows :

"The Security Council requests the two countries : (1) to re-establish a climate of understanding between them and to restore peace and harmony between the communities; and (2) to prevent the recurrence of acts of violence and to ensure the security of the communities.

"The Council calls upon the two parties to resume their negotiations with a view to reaching a peaceful settlement of all their differences, including the question of Kashmir, taking into account past action by the United Nations and the wishes of the people concerned.

"The Council suggests to the two countries that they should have recourse, by agreement, to the good offices of a country or a person of their choice, if they consider it desirable to do so."

Those are the proposals which the delegation of the Republic of the Ivory Coast wished to submit to the Security Council.

**178. Text of the Speech made by Sir Patrick Dean
(United Kingdom) in the Security Council
Meeting No. 1090 held on 10 February 1964**

The statements which we have heard from the representatives of Pakistan and India have revealed yet again the complexities of the question now before the Council and the apparently complete incompatibility of the public attitudes taken by

the two parties to the Kashmir dispute. This, I am afraid, was an outcome which my Government had expected. What we had hoped to avoid here was bitter accusation and counter-accusation.

My Government's view on the settlement of the Kashmir problem was stated in the British Parliament in December 1956 by the Under-Secretary of State for Commonwealth Relations in the following terms :

"Her Majesty's Government have always hoped that this dispute would be settled by agreement between the two countries. That is still their hope. Meanwhile Her Majesty's Government will continue to support efforts to reach agreement which would give effect to the Resolutions of the United Nations."

This remains my Government's policy.

We are still convinced that a solution can emerge only from constructive and sincere negotiations between the Governments of India and Pakistan. We are anxious lest public discussion in the Security Council should prejudice prospects for such sincere negotiation. Nevertheless, the problem of Kashmir has once more been brought before us.

In these circumstances my delegation believes that it is the clear duty of all members of the Council, and if I may say so, the delegations of India and Pakistan, to do our best to use this occasion for discussion and negotiation with a view to moving towards the settlement which has eluded the collective wisdom of the Security Council for fifteen years.

My delegation has therefore welcomed the efforts which we understand are being made behind the scenes to find common ground between India and Pakistan. We should indeed be well pleased if a fresh approach by such members of the Council as have spoken today, which have not previously had direct contact with the consideration of this question in the Security Council, should lead to the break-through that is so earnestly desired by all members of this Council, and should enable the negotiations towards which my Government has been working for many years to be undertaken on a basis that

holds promise of a settlement.

What I have now to say, therefore, will be directed to making plain my Government's views on the status of Kashmir, to outlining action taken by my Government since the Security Council last met to discuss Kashmir in 1962, and finally to suggesting steps which in our opinion would help towards progress.

First, I wish to reiterate my Government's position on the status of Kashmir and on the question of self-determination. This was made clear most recently by our sponsorship of the resolution adopted by the Security Council on 24 January 1957. According to that resolution, the Council :

"[reminded] the Governments and authorities concerned of the principle embodied in its resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

My Government stands firmly by the principles enunciated in that resolution today.

We consider it unrealistic to consider the status of Kashmir purely in terms of the legal effect of the Maharajah's instrument of accession. It is in our view impossible to leave out of consideration fifteen years of discussion in this Council and the decisions taken by it. In short, my Government does not accept the contention that no dispute now exists and that there remains in Kashmir nothing to be negotiated. Quite the contrary. A dispute does exist, which should be made subject of negotiation with due regard to previous Security Council resolutions and to the wishes of the people most directly concerned, namely the people of Kashmir.

I now turn to the action taken by my Government towards trying to find a solution of the Kashmir dispute in the period since the Security Council's last discussion of the matter

in 1962. I need not explain to members of the Security Council why my Government has felt compelled to be active in this matter. The Council is well aware of our historical association with the problem and the ties of friendship and Commonwealth with both India and Pakistan, which make the continuation of this dispute between the two countries so distressing to my Government.

It will be equally clear to members of this Council and, I trust, to the delegations of India and Pakistan, that satisfactory permanent political defence and economic arrangements for the Indian subcontinent can never be reached until there is an agreed Kashmir settlement. My Government is, therefore, bound to regard this as the ultimate objective and constantly to seek ways and means of moving towards it. It was in this spirit, that my Government warmly welcomed the joint statement issued by Mr. Nehru and President Ayub Khan on 29 November 1962, which reads as follows :

"The President of Pakistan and the Prime Minister of India have agreed that a renewed effort should be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship. In consequence they have decided to start discussions at an early date with the object of reaching an honourable and equitable settlement. These will be conducted initially at the ministerial level. At the appropriate stage direct talks will be held between Mr. Nehru and President Ayub."

We regarded this statement of intention as a major step forward and we followed the course of the ministerial meetings which were subsequently held with keen anticipation.

There were in all six rounds of ministerial talks. Unfortunately, they came to an end on 16 May 1963 with an announcement that "no agreement could be reached". At this stage my Government reverted to the trend of thought which had been propounded in the Security Council in 1962, namely,

that, in the face of the inability of the two countries to agree, some degree of outside assistance might help in the search for a solution.

The possibility of mediation was discussed during the summer of 1963 by the Indian and Pakistan and British Governments and we were encouraged when in answering a question about mediation at a press conference on 15 June, Mr. Nehru confirmed that his Government was prepared "to explore any avenue". Subsequently, however, the Governments of both India and Pakistan indicated that they did not consider the time propitious for further discussion of mediation.

There the matter rested until the autumn of 1963, when developments in Indo-Pakistan relations were once more brought to the attention of the Security Council by the Government of Pakistan. The subsequent course of events is familiar to all in this room.

Apart from the question of Kashmir, the delegations of Pakistan and India have touched in their statements to the Council on other subjects of contention between their two Governments, notably, the communal rioting in East Pakistan and West Bengal, and the problem of population movements between these two areas. My Government shared the profound regret expressed by both delegations at the outbreaks of communal violence, and welcomed the stern action taken by both Governments to put an end to them and to prevent their recurrence. My delegation is not qualified to comment on the genesis of these communal outbreaks. Equally we have not got sufficient facts which would enable a judgement to be made on the merits of the case relating to population movements.

To us, the most immediate and practical way of handling these sources of tension between the two countries is by representatives of the Governments concerned getting together around the conference table. We deplore anything that is allowed to stand in the way of such negotiations, while men and women are exposed to injury and death.

My delegation therefore welcomes the statement made by the representative of India, in the context of these problems, that his Government is prepared to take any and every step in

co-operation with Pakistan and that it would welcome a meeting of Ministers from both countries to discuss ways and means. I explained my Government's position on the problem before us and the action which it has taken in the past eighteen months to try to bring about a settlement of the Kashmir dispute.

I have stressed the fact that, now that meetings are taking place in this Council, we must all make every effort to find a constructive solution. My delegation welcomes the attempts being made by certain delegations to work for such a solution and we have no desire to complicate their efforts by laying down rigid lines of action which in our view should be followed. However, I should like to suggest that the Security Council should bear two factors in mind.

The first is that the authority of this Council, which we are all here pledged to preserve, and the principles of the Charter, require that the decisions taken by the Security Council in the course of the last fifteen years should not be lost to view.

The second is that the passage of resolutions which are ignored by one of the parties takes us no further forward and has not in the past led to the constructive solution which all members of the Council, so I presume, desire.

The Security Council's attention should therefore be directed in the first instance to searching for common ground between India and Pakistan. The directions in which this common ground might be found appear to my delegation to be the following. First, both India and Pakistan should restore normal conditions and inter-communal harmony in their two countries and forthwith undertake talks on their communal and related problems with a view to preventing further outbreaks. If the two parties believe that the exercise of good offices in this connexion would be helpful, my delegation suggests that the Security Council should stand ready to discuss this aspect. In the second place, India and Pakistan should be prepared to resume negotiations on Kashmir and, as necessary, other related matters.

In this connexion I must emphasize that my Government's experience of the negotiations undertaken between the two

countries in the course of 1962 and 1963 has convinced it that some degree of outside help will be necessary if satisfactory results are to be achieved. It is for this reason that we have favoured mediation, as both parties are aware from discussions we have had with them from time to time.

We realize that neither Government accepted this contention last August, largely on the grounds, as I said, that the time was not propitious, although our impression was that both agreed that mediation would be helpful at the right time. We now put forward for consideration the view that the extreme tension which characterizes Indo-Pakistan relations at the present time, as reflected in the bloodshed of the last few months, renders urgent the need for a bold approach.

This, however, is a matter which we cannot press if it is not acceptable to both India and Pakistan. We shall therefore content ourselves with commending it to the urgent attention of both delegations. We suggest that they consider all possibilities in this regard, including that of engaging the assistance of the Secretary-General of the United Nations. In conclusion, I would say that much clearly hangs on the efforts now being made by certain delegation behind the scenes. Their willingness to accept this responsibility, in spite of the sorry history of the Security Council's past failure to resolve the Kashmir dispute, is admired by my delegation. We have no desire whatever to interfere with their efforts, but we wish them to know that they have our full support.

It will be clear, I think, from what I have said, that my delegation would be ready to give general endorsement to the form and content of the method of approach to a solution of this problem advocated at the end of his speech by the representative of the Ivory Coast.

**179. Text of the Speech made by Mr. Liu Chich
(China) in the Security Council Meeting
No. 1091 held on 14 February 1964**

The Council is dealing with a question which has been

on its books since the beginning of 1948. No other issue, I believe, has been the subject of so much debate in the Council with so little result. The passage of time has, if anything, only served to harden the positions of the disputing parties. On the one side, the council has been told that "the Government and people of Pakistan are totally committed to the liberation of their Kashmiri brethren". With equal force and finality, it has been maintained on the other side that "the question raised by Pakistan is purely a domestic matter, with which only India is concerned and in respect of which Pakistan has no right to intervene or interfere and which has been excluded under the Charter from the jurisdiction of the United Nations". The deadlock is thus complete.

It may be recalled that, when the Council was first seized of the Kashmir question sixteen years ago, it did not seek to impose a solution on the disputing parties. On the contrary, it took pains to ascertain the wishes of the parties in an effort to find common ground on which the structure of settlement might be built. It was on the basis of protracted consultations with the parties that the decisions of the Council were finally reached, and both parties solemnly pledged themselves to their implementation. This being so, it cannot be said that the Council's resolutions have now become obsolete and should be thrown overboard.

It is not the intention of my delegation to apportion blame or to determine where the responsibility lies. The fact remains that the dispute over Kashmir has persisted for some sixteen years and has once again manifested itself in communal riots and violence. Certainly, neither India nor Pakistan can allow the dispute to drag on as a festering sore at a time when the common security of the area is under constant threat of the dark forces of aggression which are ever ready to exploit the situation for their own ends.

My delegation refuses to believe that the positions taken by the representatives of India and Pakistan in the present debate are in fact as rigid and uncompromising as they appear. Indeed, they have both expressed their willingness to find a peaceful solution. This is a hopeful note. It is the clear duty

of the Council, I submit, to explore the possibilities of bringing about a peaceful settlement.

I fully share the view that the precondition of a settlement is the creation of a climate of understanding between India and Pakistan. I believe that the historical ties existing between them should be strong enough to enable them to move ahead to restore inter-communal harmony and co-operation and to dispel the suspicion and mistrust which have so long poisoned their relations.

I believe that the train of thought embodied in the draft resolution that was considered by the Council in June 1962 is still useful. The Council therefore should once again urge the parties, possibly with the good offices of a third party, to enter into negotiations at the earliest possible date with a view to an ultimate settlement in accordance with the spirit of the United Nations and with due regard to the interests of all concerned. The sooner the question is settled, the better it will be for India and Pakistan, and indeed for Asia and the world.

**180. Text of the Speech made by Mr. Nielsen
(Norway) in the Security Council Meeting
No 1091 held on 14 February 1964**

The Security Council has now been seized of the India-Pakistan question for more than a decade and a half. It is a matter of deep regret and concern to the Norwegian Government that relations between these two great neighbouring countries remain strained. The public statements to the Council by the representatives of India and Pakistan have served to remind us of the deep-rooted distrust between the two countries and, as it was described by one of the previous speakers, "the apparently complete incompatibility of the public attitudes taken by the two parties to the Kashmir dispute" [1090th meeting, para. 93].

The seriousness of this conflict between the two neighbouring nations has been underlined by the fact that only recently communal uprisings and violence have occurred, not

only in Kashmir itself, but also in India as well as in Pakistan. This has served to remind us of the deep emotions which are engaged on both sides. We in Norway are impressed by the magnitude of the problem as emphasized again by both parties through the fact that the fate and emotions of hundred of millions of people—in fact, one sixth of the population of the earth—are involved.

My country is reminded of the long and sad story of this item in the records of the Security Council was actively seized of the India-Pakistan question when Norway last served on the Council fourteen years ago. To us the basic features of the Kashmir question have not changed in these years. The core of the problem is still the political future of the former State of Jammu and Kashmir of British India. The resolutions adopted over the years by the Security Council and the United Nations Commission for India and Pakistan have not been rescinded or abrogated; they therefore remain valid and represent the views expressed by the United Nations on the problem. To us the question of Kashmir clearly has an important international aspect, since two great nations, both Members of the United Nations, are directly involved.

From these basic facts we derive the following general conclusions: that a final settlement of the Kashmir question must be satisfactory of the population of Jammu and Kashmir, and that, likewise, the main features of the settlement must be acceptable both to India and to Pakistan.

The statements by the representatives of India and Pakistan to the Council have underlined the differences, and it may seem a hopeless task to try and bridge this gap and strive for a solution on the basis I have just outlined. On closer examination of this situation we believe, however, that we have seen some signs which may encourage the Security Council to try a new approach aimed at reconciling the parties. For one thing, both countries have deplored the renewed outbreaks of communal violence. Further, both parties have stated and emphasized to the Council that they have taken strong action to put an end to the violence and the representatives of both parties have in their statements

indicated a willingness in principle to find a common ground, and thus generally to improve the relations between the two States.

The Norwegian delegation therefore believes that the present time should be propitious for renewed efforts to assist and to encourage the parties. We share the views expressed by a number of the members of the Council that the efforts should be concentrated on the reopening of direct negotiations on the outstanding questions, including the question of Kashmir, which is the question the Government of Pakistan has brought before the Council by the letter dated 16 January 1964 from the Minister for External Affairs of Pakistan addressed to the President of the Security Council [S/5517].

Actually, in the first half of 1963, as has been mentioned here on a number of occasions, the parties did engage in six rounds of such bilateral negotiations on a ministerial level. In order to facilitate the resumed negotiations and increase the chances of singling out the areas in which agreements are most likely, we believe that the two Governments will be well advised in seeking the good offices of a country or an outstanding personality enjoying the confidence of both parties. If assistance should be needed in arranging for effective good offices, the Secretary-General of the United Nations naturally comes to our mind.

I repeat, we are looking toward the resumption of negotiations between the two parties, in recognition of the fact that a solution of the outstanding problems is only conceivable when the parties agree. We do not expect the parties to renounce their claims or their views in advance of future negotiations, but we find it important and encouraging that of none of the parties in principle has rejected the idea of negotiations.

Far be it from us to anticipate the results of such negotiations or to prescribe to the parties how to solve their difference. We do believe, however, that both parties will be well advised in recognizing that any settlement of the long-standing question of Jammu and Kashmir which is not generally satisfactory to the population of the area can hardly

be expected to last. We hope that the parties will pay due attention to the substance of this important consideration; the form of the efforts as well as the means employed to reach this goal peacefully appear to us, however, to be of somewhat lesser importance.

In conclusion, I would express the hope that it will prove possible for the Security Council to encourage the two parties to meet anew at the conference table. And again, the form of such encouragement of the Council does not seem so important as the political value in finding means to give unanimous expression to this desire of the members of this Council to see negotiations resumed at a peaceful settlement of the problems that now divide India and Pakistan.

**181. Text of the Speech made by Mr. Hajek
(Czechoslovakia) in the Security Council
Meeting No. 1091 held on
14 February 1964**

We have carefully studied the documentation submitted to the members of the Security Council in the letters addressed to the President by the representatives of India [S/5522] and Pakistan [S/5517]. We have also heard and then read the statements by these representatives in the Council. In our view, an analysis of these facts and positions reveals nothing that could basically alter the nature of the dispute or that brings to it anything substantially new.

We are considering a dispute and even a conflict between two large States, important Members of the United Nations—a dispute and conflict between two countries which are closely linked geographically, between peoples who are ethnically very close to if not identical with each other and have over the past centuries been united by a historical process in which they co-operated in the creation of a civilization and culture whose rich artistic forms and depth of thought are still the admiration of the whole world, between peoples who were also united in a more recent past by their resistance and courageous struggle against invasion, foreign occupation and colonial oppression.

In the life of the people of the Indian subcontinent, recently divided between India and Pakistan, there are certainly more elements of unity than of discord, if we consider geography, history, language and race; even in the matter of religion, the disappearance of several minorities—Muslims in India and Hindus in Pakistan—should in this context be a unifying factor rather than a source of conflict.

Yet the situation today is quite different. It has just been described to us in speeches, and we have noted reports which speak of hundreds and even thousands of victims and myriads of refugees, following bloody incidents during disturbances between communities.

In my delegation's view, the paradox of this dispute can be explained only by the fact that the dispute is a relic of the recent past. The history of the conflict, as described in the documentation before us, shows that it is closely connected—by a causal as well as a temporal link—with problem of the partition of the Indian subcontinent. Without wishing to get involved in historical considerations and analyses, we should note the preponderant role played by the former colonial Power in this process, and we shall then see that the so-called question of Jammu and Kashmir is one part or one aspect of the complex problems created by the colonial regime—problems which persisted after the end of that regime and have confronted the peoples that had liberated themselves from its hold.

In this regard, India and Pakistan constitute no isolated case. In several instances, similar problems have arisen—problems created and perpetuated by occupying or dominating foreign regimes all over the world. Take, for example, the disputes and conflicts between certain Latin American countries during the nineteenth century, after their liberation. To some extent, even the peoples of Central and Eastern Europe had to struggle, when the empires collapsed after the First World War, with the relics of those empires which hindered their development and often involved them in territorial or ethnic disputes with each other. To a greater and more varied extent, these same problems recur in the life of the peoples of Asia and Africa, with the collapse of the colonial system on these

continents.

The peoples then embark on a course of independent development, starting by playing an important role in the formation of the new world, and find themselves up against huge obstacles which often had their origin in the past, at a time when not only their countries' administrative frontiers but important decisions on every aspect of their lives were dictated, not so much by the desires or needs of the indigenous population, or of its natural ethnic units or entities, as by the interests of the colonial regime and of those who benefited from it. In all the past cases in which these problems were the source of conflicts that were often bloody and tragic, and in many cases today, it seems to us that it was and is for the peoples themselves, first and foremost, to liberate themselves from these relics of foreign or colonial domination, instead of remaining its slaves.

We believe that these peoples, which have displayed so much courage in the struggle for their liberation, are also fully capable of displaying wisdom, political foresight, moderation and tolerance in their mutual relations in order to rid themselves of the vestiges of colonialism, to solve the problems peacefully and to establish a relationship of mutual friendship, trust and co-operation. Of course, the path to these solutions is not always easy to find.

Our Government and people draw upon their own historical experience and knowledge to obtain a complete picture of these problems of the world of today, their complexity, their importance and the responsibility of the international community and all its members with regard to their solution. This is why we insist on the principle that such disputes should be settled exclusively by peaceful methods. Replying to the proposal of the Chairman of the Council of Ministers of the Soviet Union, Mr. Khrushchev, concerning the peaceful solution of territorial disputes—which has already been recalled here and quoted, together with some other replies—the President of the Czechoslovak Socialist Republic, Mr. Novotny, stated *inter alia*.

"In the modern world, there are a large number of territorial disputes conditioned by complex factors of a historical, ethnic or geographical nature, the aggravation of which would constitute a threat to peaceful relations among nations. The cases where an evil heritage has been bequeathed by the colonial Powers to the new States form a special group. I agree with you that one cannot simply ignore all territorial problems and act as though they did not exist.

"Today the position is that all frontier disputes between States can be settled exclusively by peaceful means and by negotiations, with proper respect for the facts of the modern world. This is the only practical way in which the needs and the desires of the peoples can be satisfied."

It is also along these same lines that, in our view, the resolution of the current drama of the India-Pakistan dispute must be sought. Since it can basically be regarded as a relic of the problem created for the peoples of the Indian subcontinent by the former colonialist regime, this dispute can be settled only by these peoples themselves. It is true that disputes and conflicts between brothers are often the most bitter, marked as they are by emotion and passion. However, only these brotherly enemies can and must end them—without any outside intervention which would merely complicate them and delay, is not prevent, their solution.

Our people has great sympathy for the peoples of the Indian subcontinent, deep admiration for their great culture which is imbued with a humanitarian and pacifist spirit, for their ancient and modern history and for the struggle they have carried on to liberate themselves from colonialism. We do not forget that the leaders of this struggle clearly and unequivocally showed their sympathy and solidarity with our country in the difficult times it went through in 1938, when so many old friends in the West forgot their friendship. We recognize the important role played by these peoples in the efforts made, after the Second World War, to keep the peace among nations.

From the outset we have had excellent relations with India, and we are glad that in recent years we have developed favourable and happy relations with Pakistan. This makes us all the more anxious that disputes between these two States should be settled in a peaceful and amicable way by these two countries themselves.

What should be the position of the Council in the solution of this dispute? It has often been recalled here that it is not the first time the Council has had to consider this question. There are no essentially new elements in this problem. We therefore agree with those of our colleagues who see no reason to make a new examination of the legal and political arguments of the two parties. It is not that our delegation hesitates to take a stand. We have done so in the past; our stand is well known; but we do not want to reiterate it, because we think it would serve no great purpose to engage in a discussion which could not lead us to a solution that, as we have said, only the two parties acting in concert can reach.

The role of the Council should be to help and encourage the two parties to embark on peaceful negotiations. These parties have shown, we feel, that they are capable of embarking on this peaceful course; and although their exchanges of views are somewhat pointed and often impatient, we note with some satisfaction and hope that, at least to a certain extent, they are always receptive and ready to take the path of negotiations. We think that, by helping and encouraging the two parties along these lines, the Council would be respecting Article 33 of the Charter. Since the problem is complex and delicate, we agree with the preceding speakers who said that they did not believe it was appropriate for the Council to pass judgement on the matter by an *ex cathedra* decision—in other words, to adopt a resolution.

In appealing to the goodwill, spirit of understanding, political wisdom and human responsibility of the two parties and trusting their maturity and realism, we think that we should not qualify this appeal by introducing controversial questions which, from the outset, would even at this stage constitute obstacles to holding of negotiations.

This is why our delegation has doubts about the idea of resorting to the mediation or good offices of another State or of a personality. Naturally, such mediation could prove useful, but it should come only as the result of prior agreement which could be reached by the two parties in the course of these negotiations; and even this understanding and an ensuing decision should be a matter for the two parties alone. We therefore believe that our action, which would of course be taken by agreement of all the members of the Council and in a form acceptable to both parties, should consist in an appeal to the parties to take steps to restore an atmosphere of moderation and re-establish harmony between the communities so as to prevent any recurrence of acts of violence. We should invite the two countries to resume their negotiations for a peaceful settlement of their disputes, and we should facilitate the opening of such negotiations. All the rest should be the task of the two parties themselves—a task which my delegation hopes the Council will do its best to facilitate through general agreement.

**182. Text of the Speech made by Mr. Seydoux
(France) in the Security Council Meeting
No. 1091 held on 14 February 1964**

I shall naturally not go over the past history of the problem which has again come before the Security Council. The numerous debates in previous years, and very substantial statements made here by the Minister for External Affairs of Pakistan and the Minister of Education of India, have given the Council as much information as was possible. However, I will stress the seriousness of a situation which for the past seventeen years has been a source of concern to the many friends of India and Pakistan. France is one of these; it sets great store by this friendship, which is of value to it and indeed to the whole world. For the two countries which are divided by the question of Kashmir are the repositories of a very old civilization, of a great culture and of religions which throughout history have helped to strengthen the spirit of

tolerance.

The very structure of these countries, in which very many peoples of very different races and customs live side by side on the same continent, should provide an increasingly interdependent world with a model of true coexistence. India and Pakistan have often set us an example in that respect; they are still doing so in most of their territory. They should both know that our dearest wish is that this action, carried on despite so many trials and difficulties, should be brought to a successful conclusion. Without a final settlement, is there not a danger that action may fail in its results for the whole of the subcontinent? Have the recent disturbances, and the statements we have heard here, not confirmed what a chainreaction of violence might be set off on both sides of the frontier by disturbances at any locality?

Neither country can believe that, if the situation deteriorates, only the other party would suffer from the disorder of a conflict involving not merely two countries so closely linked but the actual communities composing them. Both would be deeply shaken, and the world would witness a disturbance of balance which could have very serious consequences. It is, indeed, the fragility of this balance that worries us. In order to strengthen it, not only the symptoms but the causes of the evil must be treated. Moreover, the treatment must be gradual and must respect the feelings and beliefs of all. Developments in recent years have shown, on another continent, that it was possible to effect a sincere rapprochement between two nations previously divided by an age-old struggle.

In the matter before us, the task of understanding and conciliation in which the Council has again agreed to participate undoubtedly requires an effort to discard prejudices, to revise judgements that are no longer realistic, and to go beyond encouraging but insubstantial utterances—in other words, to lay the foundations for a true settlement of the problem at issue. For it cannot be over-emphasized that, in questions affecting the very existence of States, the passage of time, far from facilitating the search for a solution, often makes it more difficult.

I should like here to pay a tribute to the action taken in this spirit by those of my colleagues, particularly my African colleagues and you yourself, Mr. President, who for the sole benefit of peace and international co-operation took the initiative of trying to find common ground between the two theses which have been put to us.

My delegation has no doubt that it is in this direction that we must advance. We believe that only the restoration of an atmosphere of understanding, and the resumption of the dialogue, can promote a settlement which all desire if, in the search for this settlement, the past action of our Organization, the wishes of the peoples and the legitimate interests of the two countries are, as important factors, taken into account.

However, it is quite certain that this hope would once again prove unfounded, despite all the authority with which the debates of the Security Council are invested, if the two Governments concerned were not moved by a sincere and resolute determination to give substance to it. I know of no better way to conclude than by expressing the wish that, once this debate is finished, they will re-establish contact in the spirit of the ideas put forward by the Council and that they will not hesitate, if they feel it necessary, to have recourse to the procedure of good offices, in order to facilitate the solutions which we all await.

**183. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1091
held on 14 February 1964**

Mr. President, at the request of the Government of Pakistan, the Security Council is again examining the question of Kashmir. In the letter dated 16 January 1964 from the Minister for External Affairs of Pakistan addressed [to the President of the Security Council it was stated that an immediate meeting of the Council was necessary "to consider the grave situation that has arisen in the State of Jammu and Kashmir" [S/5517].

The Government of India, for its part—as is clear from the statements made at the meetings of the Council by Mr. Chagla, the Minister of Education of India, and from the letter from the Permanent Representative of India addressed to the President of the Council—holds that there are no grounds for the discussion of this question in the Security Council, and points out in particular that nothing has happened recently that even remotely supports “the Pakistan allegations about the existence of a tense situation and an atmosphere of crisis” [S/5522, para. 1].

India's well-known position is that from the legal and constitutional standpoint Jammu and Kashmir is and continues to be Indian Union territory. With regard in particular to the demonstrations in Kashmir expressing grief at the theft of a Muslim religious relic, the Government of India, as is known, has denied the assertion that India had anything to do with it.

We have heard the statements made by the parties to the dispute, setting forth in detail the positions of India and Pakistan with regard to the question now being discussed by the Security Council, and the statements made by the representatives of Morocco, the Ivory Coast, the United Kingdom, the Czechoslovak Socialist Republic and others. The fact is, it is rather difficult to find anything in the circumstances that makes them appreciably different from those described in the course of previous discussions of the Kashmir question to which, if our recollection is correct, the Security Council has devoted more than 100 meetings since 1948.

The Soviet delegation would first of all emphasize that the religious and communal discord which persists in India and Pakistan is a legacy of the past, when hostility was deliberately kindled by the colonizers, who pursued an infamous policy of “divide and rule” in order to enslave the peoples and keep them in colonial servitude. Recent events both in India, where Muslims have suffered through the exacerbation of religious and communal discord, and in Pakistan, where Hindus have been persecuted, demonstrate once again the need to overcome that discord as quickly as possible and to put an

end to that legacy of colonialism.

The colonizer's policy of kindling animosity unquestionably does great harm to the interests of both the Indian and the Pakistan people. Attempts to heighten passions over differences in religious beliefs between some of the peoples of India and Pakistan can serve only those who even today would like to see the peoples of Asia torn asunder, those who seek to gamble on the unsettled state of relations between India and Pakistan, in the pursuit of interests which have nothing in common with the aims of preserving peace and friendship between peoples.

In the context of the Council's discussion of the India-Pakistan dispute, attention should be drawn to the appeal made by President Radhakrishnan of India to the President of Pakistan for joint steps to prevent further religious and communal incidents. In his letter of 16 January 1964 addressed to the President of Pakistan, the President of India expressed concern at such incidents, which—and I quote—"not only poison the relations between our countries"—that is, between India and Pakistan—"but affect the lives of millions of persons who seek nothing but to live as good citizens in their respective countries" [S/5522, annex I, para. 9]; and as a first step he proposed that an immediate joint appeal should be made to the peoples of India and Pakistan to live in peace and harmony.

The fact that the Security Council is again obliged to revert to consideration of the Kashmir question confirms once more, in striking fashion, the correctness of the conclusion that territorial disputes, the problems of frontiers, and unilateral or mutual claims of States to each other's territory most often give rise to dangerous friction between countries in different parts of the world. For this very reason Mr. Khrushchev, the Head of the Soviet Government, addressed to the Heads of State of the countries of the world, at the end of 1963, a message proposing the conclusion of an international agreement providing for the renunciation by States of the use of force for the settlement of territorial disputes or boundary questions.

In that message Mr. Khrushchev pointed out that many young sovereign States which recently won national independence have inherited from the colonial regimes a large number of artificially embroiled border problems. Indeed, a glance at the map of the world today will show scores, if not hundreds, of districts, sovereignty over which is disputed by various States on the basis of arguments and considerations relating to history, ethnography, blood affinity, religion, and so forth. Unfortunately, these disputes occur not only between scholars but also between States possessing armed forces, in some cases quite large. Hence in the majority of territorial disputes there is a danger that relations between the parties will become aggravated, a danger of armed conflict which may constitute a threat to peace throughout the world.

It is a highly pertinent fact that the border conflicts and territorial disputes between some Asian countries are having a very adverse effect on the lives of their peoples: this at a time when it is most important for the peoples of the Asian countries, including both India and Pakistan, to raise the level of their economy, lay the foundations for a modern industry and attain a higher level of living. Surely it should be clear that this calls for tremendous efforts and, above all, for peace and tranquillity on their borders. In that connexion, Mr. Bhutto, the Minister for External Affairs of Pakistan, rightly observed in his statement to the Council [1087th meeting] that the peoples of Pakistan and India had won their freedom in order to fashion their lives with the dignity and self-respect, free from privation and fear, to remove the sufferings that their peoples had endured since human memory could recall.

I am bound to say that, when territorial disputes and border conflicts between Asian States not only exist but sometimes assume aggravated forms, those States are compelled to maintain and even increase their armed forces, thus using their resources in an unproductive manner. This can scarcely be said to benefit the peoples of countries which have recently thrown off the colonial yoke.

As to the substance of the Kashmir problem, the Soviet Union's position in principle has, as we all know, been repeatedly stated by Mr. Khrushchev, the Head of the Soviet Government, and by the representatives of the Soviet Union here in the Security Council chamber. The position of the Soviet Union is that the question of Kashmir's belonging to India has already been decided by the Kashmiri people.

The Soviet delegation is firmly of the opinion that the India-Pakistan dispute should be settled directly by the parties concerned—India and Pakistan—and, of course, exclusively by peaceful means. The parties to this dispute are themselves capable of taking steps to relax the tensions which exist between them. We should like to point out, with special emphasis, that this requires a calm and normal atmosphere.

Mr. Chagla, the Minister of Education of India, in his statement to the Council on 5 February [1088th meeting], stressed in particular that India would continue to work towards amelioration of its relations with Pakistan and that those relations should be based on friendship, equality, co-operation and mutual respect, as between two friendly and neighbouring countries. He expressed the conviction that the peoples of India and Pakistan wish to live in peace and friendship.

With reference to the steps which should be taken in the current situation, Mr. Chagla observed that the passing of resolution of the Kashmir question by the Council would aggravate rather than improve matters. He said that the first thing was to restore normal conditions in the disturbed area of India and Pakistan and to bring about inter-communal unity and harmony in both countries; the Government of India, he added, would welcome a meeting of Ministers from India and Pakistan to discuss ways and means. Secondly, Mr. Chagla called upon Pakistan to declare unequivocally along with India that the two countries would never resort to war and would settle all their differences by peaceful means. He stated in that connexion that India welcomed Mr. Khrushchev's proposal for the renunciation of the use of force for the settlement of territorial disputes.

The Soviet delegation views these considerations with understanding, and feels that they reflect a healthy and realistic approach in keeping with the interests of both parties and of peace in Asia and throughout the world. We should like to hope that the examination of the India-Pakistan dispute by the Security Council, the United Nations organ responsible for the maintenance of peace and international security, will be so conducted as to make for the establishment of conditions in which the parties directly concerned—India and Pakistan—can settle their dispute themselves by peaceful means. The Soviet delegation also expresses the hope that, in the course of the consultations in progress aiming to an appropriate outcome of the discussion of this question in the Council, all parties will adopt a business like approach and seek a solution which will be in the interests of keeping the peace and reducing tension.

**184. Text of the Speech made by Mr. Castrillo
Justiniano (Bolivia) in the Security Council
Meeting No. 1091 held on 14 February 1964**

The delegation of Bolivia has listened very carefully to the statements made in the Security Council by the Minister for External Affairs of Pakistan and the Minister of Education of India on the dispute between the two countries regarding the legal status of the peoples and territories of Jammu and Kashmir.

My delegation realizes that the Council is faced with an unduly complex problem, which cannot be reduced to a single factor. It seems that it was this complexity—due to all kinds of elements, including the most sensitive and primitive such as those of a religious nature—which has prevented the Council from intervening more forcefully since the problem arose fifteen years ago.

Nevertheless, however difficult or complex the problem may be, there is still hope that a speedy and suitable solution will be found. This hope is based on our confidence in the peaceful and conciliatory inclinations of the two countries involved. Both peoples have devoted all their energies and efforts to the most noble tasks undertaken by mankind in our

time, and we all owe an immense debt to the ancient Hindu and Muslim cultures.

In recent years, we have seen India and Pakistan fighting boldly and equally strongly for the abolition of colonialism; we have found them ranged in battle against racial discrimination; we have seen them both searching for suitable ways to raise the social level of living of their peoples; and we have joined them in their campaign to ban violence as a method of political enforcement. Because of all this, we still have faith that, loyally responding to their most noble traditions, India and Pakistan will manage to overcome this crisis in their neighbourly relations.

The international conduct of Bolivia, which has always been based on the support and practice of methods of peaceful settlement, gives us the right to urge the Governments of Pakistan and India to strive for a direct understanding, for we have always supported all the efforts made here in the Council in that respect.

The delegation of Bolivia has at all times and from the beginning of this debate been pleased to follow the African-Asian delegations such as those of the Ivory Coast and Morocco in their efforts to find an equitable solution to the problem under discussion.

My delegation doubts whether the adoption by this Council of a new resolution of the question of Jammu and Kashmir can lead to the goal to which we all aspire. In support of this attitude, it is sufficient to contemplate the results obtained in practice by previous resolutions of the Council. A resolution should be the result of a confrontation with the facts, which are constantly changing and creating new circumstances that must be considered. We are not doubting the value of the Council's resolutions; we consider their value indisputable, if it is analysed dogmatically; but none of this prevents us from looking at the facts to see whether or not these resolutions are operative. By comparing these factors, we shall see whether the resolutions clearly retain their original validity or whether, on the contrary, it will be necessary to seek new paths leading to a final solution of the problem.

In the controversy over Jammu and Kashmir, one thing seems certain to us : direct negotiations between both parties have not been exhausted, and nothing can officially be done under the peaceful procedures provided for by the United Nations Charter until it has been announced that the two countries have nothing more to say to each other. What the Council is obliged to do in the present circumstances is to help to create a propitious atmosphere in which such direct negotiations can be continued in an attempt to reduce the tension between the two Governments.

In order to attain this objective, it is essential to separate the positive from the negative aspects of the problem. For example, we could start by taking advantage of the parties' willingness, expressed in the Council by the representatives of Pakistan and India, to continue measures which ensure an atmosphere of peace and prevent fresh outbreaks of violence.

The delegation of Bolivia warmly supports the motion put forward here in this Council at the last meeting to the effect that, from this high tribune of world peace, the Governments of India and Pakistan should be urged to analyse, in an atmosphere free of violence, the responsibility which they bear, not only towards other nations but towards their own peoples, for finding a peaceful solution so that Pakistani and Hindu can live in an atmosphere of mutual tolerance and strive together to overcome the great problems confronting peoples and men that aspire to a better life in all latitudes of the world.

**185. Text of the Speech made by Mr. Stevenson
(United States of America) in the Security
Council Meeting No. 1091 held
on 64 February 1964**

So much has been said on the Kashmir case in this Council over the past sixteen years that I shall not impose on the Council's patience by reviewing the case again.

It is a matter of the greatest regret to my Government, as it is to so many Governments here represented, that India and Pakistan have been unable to reach a settlement either through

the mechanism set up by the Security Council or in bilateral talks, and that this dispute continues to occupy so much of the time of the international community. We are also profoundly concerned with the recurring communal disturbances in India and Pakistan which have caused such appalling loss of life, destruction of property, displacement of people and human misery. It is hard for us to understand why these two countries have not found it possible, during all of these years of bloodshed and of violence, to take joint action to calm this situation, to allay the suffering, and to stem the panic and migration of thousands of frightened human beings. Until there is a far greater effort to resolve these problems, they will continue to threaten the integrity and the prosperity of both countries.

I should like today to review the essentials of the approach which my Government has taken, and continues to take, toward this everlasting question of Kashmir. The origin of the dispute is complicated and deeply buried in the history of the great subcontinent. But, in 1948 India and Pakistan agreed to the resolutions of the United Nations Commission on India and Pakistan as a political compromise of the difficulties which followed from the partition of the subcontinent into two countries and the ensuing dispute over the status of Kashmir. The essence of this compromise was that the people of Jammu and Kashmir should have the right to determine their future without coercion or intimidation by the military forces of either country. Our support of the United Nations resolutions is based on this principle of self-determination. The political compromise has not been fulfilled, and so we have seen no progress, only further embitterment of relations between these two great countries.

Throughout the history of this issue, it has been the desire of the United States to do what it could to compose the differences between two friends. In doing so, we have started from the point of agreement between them, because it was an equitable compromise based upon the sound principle that the people whose political affiliation and national status were subject to dispute have the right to express their will. We continue to support this principle as providing a sound basis upon which

a political compromise of the dispute between India and Pakistan can be achieved through peaceful means.

If India and Pakistan are genuinely desirous of composing their differences, which is a prior condition of any political compromise, a fresh attempt must be made, in light of today's realities, to see how the basic principles can be applied to achieve such a political settlement. India, and indeed part of the very area in dispute, is under threat of Chinese Communist military attack. For this reason, as well as because of our long-standing concern that the Kashmir question be peacefully resolved, we urged bilateral talks between the parties last year. While these talks did not bring agreement, neither were they useless. Exploration of disputes through negotiation is a fundamental principle of the United Nations. It is the only way agreement can be achieved, short of imposition by force. An agreement cannot be imposed from outside.

We recognize that the legitimate security interest of both India and Pakistan involve intricate internal problems of law and order and political consent. However, the international community has a right to expect of these two great and ancient countries what we expect of all members of the United Nations community, and that is a diligent and unrelenting effort to resolve their differences peacefully through negotiations. It must be recognized by both countries that the problem of Kashmir cannot be settled unilaterally by either party. It can only be settled, as I say, by agreement and compromise, taking into account the free expression of will of the people concerned. The United Nations was created to assist Member States in this regard, and its resources are available to help the parties in the search for a solution. Friends of both countries also stand ready to help.

Given the history of efforts to resolve the issues between India and Pakistan in the past, my Government believes that the two countries should consider the possibility of recourse to the good offices of a country or a person of their choice to assist them in bringing about the resumption of negotiations and in mediating their differences. My Government also suggests that the Secretary-General might be of assistance to

the two countries in exploring the possibility of such third-party mediation.

There has already been some progress toward bilateral talks on the communal conflict and the migration question. I hope that the two nations may now resume their efforts to agree upon this first step towards finding a firmer basis for communal harmony and dealing with the problem of refugees.

These suggestions are accompanied by the earnest hope of stimulating these two Members of the United Nations to make a new approach in a new and urgent effort to resolve their differences. These problems are not susceptible of quick solution, we know only too well. My Government has no illusions on that score. But a fresh start must be made, and Pakistan and India have, we believe, a responsibility to their own peoples, to the people of Kashmir and to the world community to set these issues on the road to final solution for the sake of humanity and of peace.

**186. Text of the Speech made by Mr. Benhima
(Morocco) in the Security Council Meeting
No. 1195 held on 12 May 1964**

In considering the India-Pakistan question, there are many factors which might lead the Moroccan delegation to approach the debate today with some scepticism; never has any problem held the attention and interest of the Security Council for so long or so frequently. It may not be one of those anomalies of international life which were bequeathed to the United Nations at its birth, but it does constitute one of the most distinctive threads in the fabric of its history; it is still one of the Organization's main preoccupations, and having already taken on all the earmarks of a chronic crisis, it may well become—if it is not already so to some extent—the bitter proof of the limitations of the United Nations. Yet the permanent members of the Council and the representatives of more than thirty countries who have successively assumed the responsibilities of Council membership since 1948 have gone on steadily, exerting tremendous efforts and exhausting all the

resources of their countries' political genius and of their personal talents and experience.

My delegation, in approaching this question for the second time in the Council, does so in the awareness that the delegations which preceded it are entitled to its compliments and its gratitude.

Solutions hitherto were sought and found in a judicious balance between historical, political and legal considerations. Principles genuinely based on the United Nations Charter provided the foundation for the spirit and the terms of the resolutions successively adopted on this question, and the acceptance and reaffirmation of these resolutions by both the interested parties constitutes an acknowledgment of the Council's fairness and objectivity. The reason why we—the third generation, as it were, of the Council since 1948—are now required once more to take up the question is not because of any shortcomings on the part of the Council but because, unfortunately, the principles established for its settlement could not be applied and the continuance of discord between the two parties prolonged the dispute and cast doubt upon the authority of the decisions already taken.

It goes without saying that Morocco would have been much happier not to have to deal with a conflict between two countries whose friendship and excellent relations with Morocco have constantly been in the forefront in its dealings with and interests in Asia.

Nor is this in any way arbitrary. The struggle of the Indian sub-continent was one of the movements which directly nourished the liberation movements, not only in North Africa, but wherever the drive for freedom was at that time still timid and hesitant. The radiance cast by a man like Gandhi had its reflection in the lives of many leaders and influenced the will of many peoples, who are indebted to him both for the virtues of struggle by pacific means and for strength of purpose in winning their freedom.

Together with Mr. Jawaharlal Nehru, however, one of Gandhi's intimates was Ali Jinnah, the founder of Pakistan, who although brought up in a different spiritual environment,

trod the same heroic path in friendship and solidarity with the master of India and his best disciple.

To other liberation movements, this community of hope and action between the leading figures of the two main spiritual families of India was both a symbol and an example of what national unity should be, irrespective of dividing lines of ethnic or religious origin.

On the day when India and Pakistan became free, many leaders and militant youths in my own country suffered prison or exile, perhaps for the first time, because of their participation in demonstrations to which that great event has given rise in countries still seeking sources of inspiration for their future action.

That the subcontinent unfortunately paid the price of partition for its freedom was a cause of grief which, undoubtedly, all its children have not yet stifled. We also note that, unfortunately, they have not bound up the wound.

So many of the present friends of India and Pakistan were unable at the time either to take action to prevent the tragedy or to intervene in the years immediately following to correct the aberration or to limit its consequences.

The principles on which India based its internal structure and its external policy were to cast their aura over the world in the same way as the philosophy which underlay its struggle. Thus my country sought to strengthen its ties with India from the very first months of its independence, to stand with it internationally in support of the same policies, and to base its action on the same values—the defence of liberty, the right of peoples to self-determination, devotion to the United Nations, peaceful coexistence and international co-operation.

These principles have become a credo in the African-Asian family, and constant fidelity to them has become a criterion by which to judge the sincerity and independence of its members' policies.

We, like India, have built up our friendships, on our own continent and elsewhere, not on the basis of identity of political systems or adherence to one ideology, but on mutual respect and a common purpose underlying international action

which at times is differently inspired. Together with India, we have defended our mutual friends at the cost of repeated misunderstandings and difficulties which, in some cases, have seriously affected our respective national interests.

In recalling these facts, my purpose is to reaffirm that friendship and co-operation with India remains a fundamental and unchanging part of our policy. The Government of India has received assurances of this on various occasions, and I wish to reaffirm it today to the delegation headed by the Minister of Education, as it was reiterated by His Majesty the King of Morocco and the members of his Government to the two delegation which recently paid visits of friendship to my country.

However, while we repeat this assurance because it is in keeping with our complete adherence to the series of intangible principles to which I referred a moment ago, it will scarcely come as a surprise to the Indian delegation when I state in this Council that we adhere with the same constancy and fervour to the principles of the Charter and, of course, to resolutions adopted by any United Nations organ with respect to any problem, whenever such resolutions scrupulously reflect the provisions of the Charter.

My delegation is proud to follow in the footsteps of a number of representative of the African-Asian family who have unflickingly viewed their responsibilities in the Council as being to uphold, not in an emergency but at all times, the values and principles which alone confer on the Council its moral and legal authority. While it may at times be clever to set these principles lightly aside, it is always more honest, although sometimes more difficult, to renew them with sincerity. On several occasions, the Council adopted resolutions on the problem now before it which had the merit, not only of providing a possible solution, but also of being solemnly accepted by both the parties involved; it was confidently left to them to implement the resolutions in a framework of co-operation and mutual willingness to find, by peaceful means, a solution to a tragedy that inflicted equal suffering on both their peoples, though neither of them in fact bore the initial

responsibility.

I am not convinced that time has robbed these resolutions of their validity. My fear is rather that time may have affected the excellent frame of mind of the two parties and that the frequent confrontations before the Council may have further prolonged this dispute and introduced new features into it.

My delegation was greatly saddened to find the statements of the heads of both the Indian and the Pakistan delegations raised points relating to religious antagonism or differences of foreign policy. I am not convinced that it can be in any way helpful for the Council, in appraising the specific problem brought before it, to allow itself to be led into areas where individual liberty and the free choice of foreign policy by both sides scarcely concern it.

I am sure that the Indian Minister of Education will believe me when I say that my delegation has never, either here or elsewhere, attributed any importance whatsoever to the religious component of the problem, which may perhaps shed light on some of its aspects but which cannot in any way alter the fact that this is a territorial conflict bequeathed by the authors of partition to the two States which they set up. The Pakistan Minister for External Affairs knows that His Majesty the King of Morocco recently repeated to the Pakistan delegation visiting my country that our responsibility in the Council, if it is to remain objective, must transcend emotional or subjective elements, which must be eliminated from such a conflict at all costs.

Unfortunately, we find some degree of fanaticism among the defenders of any cause, even when the antagonists are atheists, and violence in fratricidal struggles is often more extreme than between hereditary enemies.

Religion cannot explain how a quarrel takes place when politics is powerless to solve the problem in dispute. Just as I do not doubt the Indian people's tradition of tolerance—and reaffirm this to the representative of India, who is custodian of its spiritual greatness and its moral virtues—neither do I doubt the respect which even the most ardent Pakistan

militant has for the Indian, who is still, in more ways than one, his brother.

The Council has heard arguments on both sides concerning the validity of the friendships or alliances chosen and entered into by Pakistan and India, now or in the past. Here again, analyses and judgements of the parties concerning their foreign policies cannot be taken as positive contributions to the Council's own analyses or judgements. The relations which India has deemed fit to maintain with its immediate neighbours, on the Asian continent and outside Asia, in order to consolidate its independence and accelerate its development, and the friendship or assistance it enjoys today from any given group of Powers in order to safeguard its territorial integrity, may have different repercussions in the various capital cities. In any event, the freedom of India is vital to the world to which both we and India belong.

If, however, Pakistan has deemed fit, at a specific moment in its history, to have recourse to a type of assistance capable of securing it against an attack the possibility or imminence of which Pakistan alone could gauge, and if it is now offered a policy of good neighbourliness which may lessen its fears, the safeguarding of its freedom in a new context of international relations is just as precious to us as before. So far as the Council is concerned, the freedom of both parties is an intrinsic part of international peace, which is our responsibility.

The Moroccan delegation would have wished to find, in the arguments expounded in the Council, more that would help us either to go further along the lines of the Council's earlier decisions or to chart a new course which might be acceptable to both parties and might lead them, either alone or with such assistance as might be desirable, to a peaceful settlement of this most unfortunate conflict. If the resolutions laboriously arrived at and adopted by the Council have proved inapplicable in practice while the conflict itself was moving towards a deadlock, if the advice and assistance of mutual friends have been unable to break through the rigid stand which the parties seem to have assumed in recent years, and if the search for a solution by the parties themselves, in direct discussions, has

been equally unproductive, the council is nevertheless still responsible; and the importance of what is at stake, both to the two parties themselves and to world peace, is such that the Council must maintain its concern and its responsibility for ensuring that a final break between the parties or a long period of impotence on the part of the Council itself does not cause a conflagration in an area already unsettled enough. This would tend to spread outwards and jeopardize a balance achieved with difficulty in the Asian continent.

It is encouraging that both India and Pakistan continue to be ardent supporters of the role of the United Nations and of the quest for a peaceful and negotiated settlement. They both tell us that the higher interest of the population of Kashmir continues to be the sole objective of their policies. The will of the people of Kashmir can be expressed in various forms and by a number of possible procedures. Even on the basis of the present widely divergent positions, a further effort by the Council might be made with the collaboration of both parties, since neither of them closes the door to the possibility of a further attempt at bilateral talks, and these would not *a priori* exclude either the past findings of the Council or the current facts of a conflict constantly changing in character. However, such bilateral negotiations should likewise not exclude the Council's responsibility or its interest in their progress and in any results they might achieve.

The principle of direct negotiations would thus be preserved without the Council's relinquishing its jurisdiction or washing its hands of a problem for which it has assumed responsibilities for the past sixteen years and must continue to assume them until it is finally settled.

The Secretary-General has given us proof on several occasions of his wisdom and skill. The moral authority attaching to his office and his person and the advantages of the direct and discreet contacts which he can make encourage my delegation to suggest that the Council should once again, subject to consent, call upon those attributes to help the two parties to resume direct negotiations—on mutually agreed bases—in the course of which the Secretary-General could both

lend his advice and assistance to the parties and inform the Council as to the progress of the negotiations and the results to which we hope they might lead.

If the Council should feel that such a suggestion is acceptable, my delegation would be quite prepared to consider, with the other members of the Council and in collaboration with the Secretary-General and the two parties, the possible form and scope of such a mission.

Morocco is not prepared to admit—whether as a friend of Pakistan and India and a member of the same African-Asian family or as a member of the Council—that events must always be stronger than human goodwill.

**187. Text of the Speech made by Mr. Usher
(Ivory Coast) in the Security Council
Meeting No. 1115 held on
12 May 1964**

After the theft of the sacred hair of the Prophet Mohammed which gave rise to the demonstrations and clashes between the Moslem and Hindu communities, first of Kashmir and later of India and Pakistan, the world was suddenly and understandably shocked at the emergence of a conflict and a problem already sixteen years old yet still unsolved, in spite of the useful attempts made by the United Nations to bring the two parties together.

So tragic and threatening for peace in that part of the world were the developments following this incident, this joke in bad taste, that on 3 February 1964 [1087th meeting] and subsequently on 17 and 20 March 1964 [1104th and 1105th meetings] the Security Council met at the request of Pakistan. We know what part the Council has played in this matter in its anxiety to avoid a crisis.

Having heard the statements of the parties concerned—more violent, unfortunately, than before—my delegation, in taking the floor today, wishes to express satisfaction at the results we have achieved regarding the protection of minorities and the reassurance of the masses. These results are doubtless

meagre compared with the basic problem underlying the incident of the stolen hair, namely, the problem of the peaceful coexistence of the Indian and Pakistan peoples and, more particularly, the problem of Jammu and Kashmir which deeply affects this coexistence and calls for a solution acceptable to both parties, bearing in mind above all the wishes of the Kashmir people.

This was the aim of the invitations to negotiate which formed part of the general agreement reached during the recent meeting devoted by the Council to the question. My delegation recognizes, of course, that for all the goodwill expressed by both India and Pakistan and the relative calm of their populations, the basic problem remains, as is pointed out above, but it seems reasonable to believe that though the situation as it now stands has undoubtedly not ceased to be a matter of concern for international security, it should nevertheless be kept at government level. For now that the unbridled fury of the masses has given way to diplomacy based on United Nations recommendations, the immediate dangers of conflict are less apparent, and my delegation believes that since the Council has thus fulfilled its peaceful mission, the parties should resume negotiations with a view to finding a solution acceptable to both sides—at any rate in conformity with the best interests of the people of Kashmir.

Negotiations would be facilitated by the co-operation of influential persons and political and spiritual leaders of Kashmir, which, as the main interested party, should be a constant point of reference in the inevitable give-and-take as the negotiations proceed.

In this respect, we feel that in the light of new facts, a solution along these lines should be sought by the Security Council before it is in a position to take a definite stand on the problem. In other words, it should confirm the results of the negotiations if they are successfully concluded on the basis of the recommendations already mentioned, which require the parties to take into account the interests of the peoples of Kashmir in accordance with the principles of the United Nations Charter.

When we spoke just now of making use of new facts we were thinking of course of taking advantage of the situation arising from the release of the uncontested leader of Kashmir, Sheikh Abdullah

My delegation regards it as particularly fortunate that the Sheikh was released in the present circumstances, and that after eleven years of captivity he has approached the problem with considerable realism, without passion or bitterness, but always bearing in mind the interests of the people of Kashmir, the vast majority of whom he still represents, to judge by the welcome he was given on his return to his country. Since his release, Sheikh Abdullah has been negotiating with the Prime Minister of India, working unremittingly, as himself puts it, on certain proposals which might constitute the basis for a solution acceptable both to India and to Pakistan and Kashmir. Nor did he decline the invitation extended to him by President Ayub Khan to visit Pakistan. In other words, he might perhaps be able to play a role in this conflict in which a country is the stake.

Here, within the Security Council, apropos of similar disputes between neighbouring States, my delegation has tried briefly to define for purposes of reference the underlying aim of the international policy followed by the Government of the Ivory Coast. It was, we said, the indefatigable search for good neighbourliness, the *a priori* acceptance of the good faith of any partner in negotiations, and the solution of disputes by diplomatic means which is binding upon Member States under the United Nations Charter.

My delegation feels that the general criteria underlying these fundamental principles apply aptly to the present stage of the problem of Kashmir which divides India and Pakistan. Statements by Presidents, leaders and politicians of India and Pakistan lead us to believe this, for they are all based on an unquestionable desire to seek a peaceful and just solution to the dispute through bilateral negotiations.

Indeed, despite certain displays of feeling still perceptible, the outcome of a very natural pride, the chances of success for such negotiations are undeniable. In saying this, my

delegation is not closing its eyes to the difficulties which will undoubtedly have to be overcome at the outset. It recognizes that for one reason or another the resumption of negotiations may not be spontaneous or that there may be certain psychological difficulties. Similarly, during the negotiations, an obstacle may arise and threaten to bring them to an end.

In this case, in the opinion of my delegation, we should avoid hasty recourse to the Security Council, for the ensuing debate would become highly inflamed and would merely accelerate the breakdown of the talks or make it a certainty. In order to avoid such an eventuality, my delegation feels that the Council would be very wise to entrust a certain role to the Secretary-General. His wisdom, his balanced judgement, his experience of the matter—qualities which have won him the unanimous admiration of us all as Members of the United Nations—should be placed at the disposal of our two friends, India and Pakistan at difficult moments during their negotiations.

Thus, my delegation strongly advocates that the Secretary-General should ease the way for the resumption of negotiations and their successful conclusion, if necessary.

In the light of all this, and having already noted the favourable developments in the long-standing dead-lock between India and Pakistan over Kashmir, what can we put forward by way of conclusion ?

To sum up, it seems to us that the Security Council, at the conclusion of this debate, should give due weight to the new development referred to above as an additional factor in the case. On this basis, the delegation of the Ivory Coast suggests that the Council should reiterate to the parties concerned its initial recommendations for a resumption of negotiations with a view to finding a solution which is just, honourable and in conformity with the interests of the Kashmiri people. Also, the Security Council should request the Secretary-General to assist, if necessary, in the resumption of the negotiations, their progress and their successful conclusion in case of difficulties.

These are the reflections which my delegation felt it

should put forward at this meeting on the dispute involving Jammu and Kashmir.

Bearing in mind the meagre headway made up to now in the attempts to settle this problem, recalling the sad memory of the repeated scenes of bloodshed which this dispute has so often provoked, and placing above all else the fundamental interests of the people of Kashmir, whose considerable history of tragedies has in many ways been complicated and aggravated by this unfortunate opposition between the two sister States of Pakistan and India, my delegation unreservedly supports frank and friendly bilateral negotiations with the authorized spokesmen of Kashmir brought in to reconcile the views. It may well be that where there has been intransigence and incomprehension there will be flexibility and success and that everything will conspire to enable India and Pakistan to achieve what we called in this Council, in other circumstances, the inevitable and logical conclusion of their development, namely, good neighbourliness and friendship, to which they are insolubly bound by a long common history.

My delegation believes that an improvement can be brought about in the relationship between India and Pakistan and it considers that the Kashmiri leaders who, are the main interested parties, could help to bring it about.

**188. Text of the Speech made by Mr. Nielsen (Norway)
in the Security Council Meeting No. 1115
held on 12 May 1964**

For the third time this year the Security Council is debating the India-Pakistan question. In our view there can be no doubt about the seriousness of this question which is straining relations between two great neighbour States and which involves the fate of more than four million inhabitants of the former state of Jammu and Kashmir, an area of strategic significance.

The former sessions of the Council this year took place against a background of communal uprisings and violence in both countries, leading to bloodshed and loss of human lives. This time the Council is meeting after new developments have

lead to a definite improvement of the situation. I am aware that this assessment may appear optimistic or even unrealistic against the background of some of the statements made to the Council by the parties during this session. The facts which nevertheless make me believe that the situation has improved are the following. Both parties in the dispute have taken strong action to put an end to the communal uprisings and violence, and no major outbreaks of communal riots have occurred in recent months. This development, in our view, is a tribute to the sincere desire of the parties to improve relations between themselves. Furthermore, in accordance with the desires expressed by a number of members of the Security Council at earlier sessions, the matters have reopened discussions on ministerial level.

Another important step has been taken with the release from prison of one of the most prominent spokesmen of the population of Kashmir, Sheikh Abdullah. My Government sincerely welcomes this conciliatory gesture. The talks that are now taking place between the Prime Minister of India and Sheikh Abdullah have greatly strengthened our belief that a peaceful and amicable solution can be found to the question of Kashmir.

It remains the view of my Government that a solution to the Kashmir question will prove to be durable only if it is satisfactory to the population of Jammu and Kashmir. Furthermore, its main features must also be acceptable to both States involved in the dispute, that is to say acceptable to India as well as to Pakistan. We do not believe, however, that the Security Council should proceed in any manner that could be interpreted by the parties as a prescription for a particular solution. It is our view that in the present improved circumstances the most constructive role for the Security Council would be to consider what encouragement and assistance it can render to the parties in order that they may utilize vigorously the more promising circumstances now prevailing.

We have noted as yet another positive element the fact that both parties during the present session of the Council have stated that the way to overcome their differences is to be

found in negotiations or conversations between them. Admittedly, they have also stated their differences concerning the procedure and scope of these conversations. In these and in other regards where the need may arise the parties would, in our view, benefit greatly from having recourse to the impartiality and wisdom of the Secretary-General. We have no doubt that he will be prepared to help and be in the best possible position in this regard, as both parties have repeatedly stated their confidence in him. If and when the parties deem it appropriate and useful, the Secretary-General could also be of assistance in providing the good offices of a country or a statesman that would, of course, have to be acceptable to both parties.

We also believe that the Security Council ought to renew its appeal to the parties concerned to refrain from any action or attitude which could lead to a renewed tightening of relations between them.

I would finally venture to express the hopeful view that a new and more promising stage has been reached in this tragic dispute that divides two great nations. Naturally, the Council will remain seized of the question. It therefore appears to us that the Council should be kept informed, as appropriate from time to time, of the progress achieved towards a settlement as well as of further assistance the two parties may desire if the need arises.

With your permission, Mr. President, I would waive the interpretation of my statement into French, it being understood that this will not create a precedent.

**189. Text of the Speech made by Mr. Hsueh (China)
in the Security Council Meeting No. 1115
held on 12 May 1964**

We have so far heard two statements each, from Pakistan and from India, during this resumed debate on the Kashmir question. All of them were forceful and well-documented statements in support of the positions respectively taken by the two parties. They are helpful to the members of the Security Council in that they further clarify the many points

at issue in this question. My delegation has studied them with all the attention they deserve.

We feel somewhat disappointed because the statements, taken together, have not presented to the Council a picture much brighter than what has obtained in the past, rather they resemble in tone and in many points of substance those statements made by the two parties earlier this year when the communal disturbances in India and in Pakistan seriously strained their relations.

It appears that a good deal of the suspicion and the mistrust between the two neighbours still remains. We had been expecting a more favourable atmosphere during this debate, for in the interval between the last session of the Security Council and the present one there have been, in the view of my delegation, some hopeful and encouraging developments here. I refer first of all to the subsiding of the communal disturbances. The situation in India and in Pakistan, though not yet completely normal, has become much calmer. There has been a discernible improvement in this respect since the Security Council last considered the question in February and March 1964.

Secondly, as referred to by the Minister of Education of India in his statement last Thursday, initial contact has been made for direct talks between the responsible officials of India and Pakistan. This is certainly an important move which, if continued, will help solve impending difficulties and generally improve the relations of the two countries.

Then of course there is the release of the Kashmiri leader, Sheikh Abdullah, which occurred a little over a month ago. It is reported that, in his recent talks with leaders of India, Sheikh Abdullah has made suggestions for a solution of the Kashmir question. This, my delegation ventures to think, is also an important positive element in the situation.

All these events appear to my delegation to be signs indicating a turn for the better. It is the hope of my delegation that the debate here in the Council will not only reflect such a trend, but also create an atmosphere conducive to more favourable developments. It is only in this way that the

Council can be helpful in this dispute, deadlocked so long. I am sure that both India and Pakistan have come to the Security Council with the Kashmir question not just for a debate but for a settlement. One common denominator is that the prolonged dispute over Kashmir is detrimental to the interests of both parties.

The Minister of Education of India, in his statements, has referred repeatedly to the armed attacks on India's eastern border. It is only too obvious that India would have been in a much better position to meet such attacks had the Kashmir question been settled. I should like to add that India will not be the only country in the area to be threatened by such a perilous danger if the situation created by the Kashmir question should be allowed to continue for exploitation by aggressive forces. It is most deplorable that armed attacks coming from China, as mentioned by the Minister of Education of India, should have occurred. China and India have lived peacefully as neighbours for centuries. The Chinese people have always cherished the long history of peaceful relations with India, characterized by mutually beneficial exchanges in trade and in culture. There may have been disputes in the past between the two countries; there was never any armed conflict until recent years. This is another evidence of the fact that the militant, warlike regime imposed on our people on the mainland provinces of China does not represent their will and their civilization.

The position taken by the Security Council on the Kashmir question is well known. All its relevant resolutions are in the books. The Council has been consistent in all these sixteen years in holding that, in the absence of an agreement between India and Pakistan, the question cannot be solved without regard to the principle of self-determination. While the Council must uphold the principle, it cannot impose a solution which is not acceptable to either of the two parties. Within the framework of the resolutions of the Council and, above all, the principles of the Charter, the modalities by which a settlement may be effected could be discussed for agreement between the parties. Adjustments could be made to meet the

changes in the conditions throughout these years and to accommodate the different views of both parties.

Therefore, the Council should urge the two parties to take advantage of the recent favourable developments in the situation and make further efforts to improve their relations. The Council should also call upon them to resume negotiations at the earliest possible date, with a view to arriving at a mutually agreeable settlement in accordance with the spirit of the Charter and with due regard to the United Nations actions.

My delegation agrees with what has been said by the previous speakers about the role which the Secretary-General may be persuaded to play in helping in the search for a solution to the question. I wish to recall my statement made at the 1012th meeting of the Council on 15 June 1962 when I made mention of the possible help from the Secretary-General. My delegation feels that the Secretary-General, coming from a country neighbouring both India and Pakistan, is in a special position to have intimate knowledge and appreciation of the intricacies of the problem. At an appropriate time the parties concerned may very well avail themselves of the services of the Secretary-General.

**190. Text of the Speech made by Mr. Bernardes
(Brazil) in the Security Council Meeting
No. 1115 held on 12 May 1964**

During the Council's debate on the question of Jammu and Kashmir in the month of February 1964 [1092nd meeting], I had the opportunity to present the views of my Government on the substance of the matter now under consideration by the Security Council. I shall, therefore, refrain from restating the position of the Brazilian Government since it has not changed in the time that has elapsed between last February and today. I shall limit myself to noting with satisfaction that talks between the Home Ministers of the two countries directly involved have taken place and are scheduled to continue. Although no definite answer to the many problems that

confront India and Pakistan in relation to Jammu and Kashmir has yet been found, it is encouraging that direct negotiations between responsible Cabinet Members of the two Governments have been initiated and that the Home Minister of Pakistan has been able to say that a substantial measure of agreement has been reached.

We are particularly pleased with these developments since we firmly believe that a final and lasting solution to this fifteen year old problem can only be found by the parties themselves taking into account the wishes of the people of the area which is the object of our attention. I do not mean that the United Nations, and the Security Council especially, do not have an important role to play. On the contrary, I believe that the Security Council has already discharged its duties in relation to the question of Jammu and Kashmir in a way that is conducive to a fair and just settlement of the issues and I trust that it will continue to do so. The present situation, however, requires, in our view, that the United Nations exert what I might call friendly pressure on the two Member States in order that they may set aside, difficult as it might be, the emotional attitudes to which the long and protracted dispute has given rise and employ their statesmanship to explore all possible avenues of agreement so as to bring to an end this most natural litigation.

It was also with hope that we learned of the release of the Kashmiri leader, Sheik Mohammed Abdullah, and the ensuing talks between him and the Prime Minister of India. To say that we fervently desire that these talks may come to fruition would be an understatement. According to reports which have appeared in the press in the last few days, a number of very interesting suggestions have been put forward by Sheikh Abdullah. Although I would not by any means comment on their merit at this time, I welcome them as an indication of the serious and constructive way in which these conversations are being held.

These recent developments demonstrate that a realistic approach is perhaps beginning to emerge. In spite of the fact that, in my view, there is no substitute for direct talks in the

present case, the parties should keep in mind the fact that the United Nations, through its twenty years of existence, has developed and polished the best available international machinery for the settlement of disputes. They should bear in mind that this well-oiled machinery is at their disposal at all times and can be set in motion at a moment's notice. Moreover, the Secretary-General, as the head of the United Nations Secretariat, is especially well qualified by his background and his personal knowledge of this complex issue to assist both India and Pakistan whenever they themselves request that assistance. U Thant enjoys, deservedly, the trust and confidence of the two great Asian nations. Both the representative of India and the representative of Pakistan have stated, either publicly or privately, that he is welcome to visit their countries whenever he deems it opportune to do so and that, during his visit, he would be at liberty to go wherever he pleased and to talk with whomever he wished to talk. If the Secretary-General, in his wisdom, should consider that a visit to the two countries might be helpful at this juncture, I am sure that, in his capacity as the principal servant of the United Nations, he would undertake to inform, either privately or openly, the members of the Security Council of the situation as he sees it. He might also present any suggestions he might have as to the ways and means of achieving the peaceful and orderly solution so greatly desired by all.

The Council would act wisely, in our view, if, upon concluding this round of talks, it would empower its President to recall some of the positive new elements that have arisen since we last met, to express the fervent hope of all the members for a prompt and fair settlement of the Jammu-Kashmir question, and to remind the parties of the availability of the Secretary-General's assistance and the United Nations machinery to aid them in their endeavours.

191. Text of the Speech made by Mr. Vejvoda
(Czechoslovakia) in the Security Council Meeting
No. 1115 held on 12 May 1964

When the Council discussed the India-Pakistan question,

which is now on our agenda, in February 1964, all of us shared the possibility of learning in detail the present state of the problems as well as the points of view of the two parties concerned. The Czechoslovak delegation studied all the aspects of the problems which might come up for consideration, and came to the conclusion that the substance of the dispute existing between the two Asian countries which were so close to each other resides in the remnants of the past. Speaking on the character of the disputes between India and Pakistan and on the possibility of their solution, our Ambassador, Mr. Hajek, declared at the meeting of the Security Council on 14 February 1964 :

"...it can basically be regarded as a relic of the problem created for the people of the Indian subcontinent by the former colonialist regime, this dispute can be settled only by these people themselves." [1091 st meeting, para. 26.]

The method of peaceful solution of disputes among States, in particular of such disputes as have remained as a sad legacy of the defeated colonial system, has been increasingly put to use in modern times and has become firmly rooted in international practice. This trend has been particularly strengthened since the presentation by the Soviet Union of the draft treaty on the peaceful solution of territorial disputes which received a favourable reception and positive support all over the world, and above all by the absolute majority of the Member States of the United Nations. On various occasions we meet an increasingly growing opinion that the solution of existing disputes through direct negotiations among the States question offers the best way for the liquidation of this legacy of the past.

We are aware of the fact that this method requires a good deal of patience, perseverance and goodwill. A number of minor problems may be very delicate and complex. However, if a sufficient amount of goodwill appears on either side, if factors producing unnecessary difficulties are removed, if a sincere wish to reach understanding and mutual harmony prevails over intolerance and hostility, then even the most complex

problems may be solved in a satisfactory manner.

An example of such an approach may also be seen in the question on our agenda. This question has recently produced some factors which added further to our belief that the final solution of the rest of the questions in dispute between India and Pakistan has made a good and hopeful start. A favourable factor has doubtlessly been the liberation of Sheikh Abdullah in accordance with the decision taken by Indian authorities on 8 April 1964. In connexion with that, a suggestion has been submitted to consider whether the Council should use the procedure provided for in article 39 of the provisional rules of procedure. We studied that suggestion and weighed all its aspects. We have come to the conclusion that the use of that procedure would not be appropriate.

We consider it very important that India and Pakistan, since our last talks, have continued their discussions at a high and responsible level. We have been informed that those discussions will be resumed during the course of this month. The Minister of Education, Mr. Chagla, in his statement in the Security Council on 7 May, mentioned the report by *The Pakistan Times* of 25 April 1964. He said *Inter alia* :

"The Pakistan Home Minister said that in spite of serious obstacles the meeting of the Home Ministers was quite a success, as the two Governments succeeded in settling about 90 per cent of the points necessary to restore communal harmony and peaceful atmosphere."
[1113th meeting, para. 44.]

Discussions actually took place; they were not unsuccessful, and that is why they were continued. That is also what the majority of the members of the Council had in mind during the negotiations in February. We consider direct discussions on questions in dispute, without conditions one way of another, between India and Pakistan to be the only useful and beneficial way. It does not seem to us that, for the time being, the strengthening of favourable conditions for the discussions could be helped if the Council urged a third element to be

included in the bilateral negotiations. The parties to the problem have entered into negotiations, and they will continue their discussions in a few days. They themselves know best the substance of the problems, and that is why they alone can find the best solution. We are not impatient. We believe that in future they will be even more successful than ever before.

To ensure a successful continuation of negotiations, the parties concerned have to promote a favourable atmosphere in regard to the actual situation. It is not possible to omit all historical aspects as well as consequences of the recent political development. We proceed from the fact that within the scope of the constitutional arrangement that enabled the will of the Kashmir population to be expressed, the question of the home-rule position of Kashmir has been solved. In this connexion I should like to recall the statement made by our Prime Minister at a Press conference in Calcutta on 14 April 1958. When asked by a correspondent, our Prime Minister answered *inter alia* :

"I consider the Kashmir question to be settled. It was done so in accordance with the will of the Kashmir people. I regard Kashmir as an integral part of the Republic of India."

It will be to the benefit of world progress and will strengthen international security and peace if, in the area concerned, the forces that stand firmly on the position of peace, freedom, and independence of nations, as well as of peaceful coexistence are further strengthened, and a peaceful solution of disputes is consistently promoted. We believe that the strengthening of those forces is also beneficial to the proper development of the people of the Indian sub-continent, for whom the Czechoslovak people have always maintained very friendly relations. The Czechoslovak people sincerely wish that these relations be promoted in the future as well.

**192. Text of the Speech made by Mr. Castrillo
Justiziano (Bolivia) in the Security Council
Meeting No. 1116 held on 13 May 1964**

In the course of a previous statement in this Council, we said, and we now repeat, that the delegation of Bolivia most profoundly admires and respects both of the countries involved in the matter which we are discussing, because of the tremendous contribution that both of them have made to the world's culture; and in view of that historical contribution we expressed the hope that they would succeed in solving their difficulties in an atmosphere of friendly understanding.

The Bolivian delegation firmly believes that the question of Jammu and Kashmir will not be settled simply by resolutions adopted by this Council, however well conceived they may be, but only through friendly and constructive talks between India and Pakistan.

During this debate, we have heard some statements inspired by a noble and healthy optimism, and others in which a certain scepticism engendered by the continuing nature of the factors which are aggravating the crisis could be discerned. The Bolivian delegation does not wish to adopt either of those attitudes. It advocates a realistic view of the matter. Certainly, there are grounds for increased optimism, perhaps the strongest of which is the exchange of views between Prime Minister Nehru and Sheikh Abdullah which lasted two weeks, according to press reports. Although the results of these consultations are not yet known, it is to be hoped that they represent the start of an endeavour which will ultimately lead to the solution of this problem.

There can be no doubt that the efforts to reach a final solution must be encouraged with the interests of both sides in mind. The Security Council must not dictate decisions which might be rejected by one or other of the parties. We have learned from experience that, regardless of the amount of underlying goodwill, no resolution can be effective as long as the parties concerned are not disposed to accept it. We feel that the same consideration applies to the suggestion that the

Secretary-General should offer his assistance in connexion with the holding of bilateral consultations. The Bolivian delegation is convinced that the wise advice and cool-headed assistance of the Secretary-General would undoubtedly help to ensure that the conversations between India and Pakistan continued until a fair solution has been found to the question of Kashmir. We have the highest respect for the clear-sightedness and remarkable talents of U Thant, and we have noted with great satisfaction that many of his endeavours have proved successful. For these reasons and because of the particular respect that we feel for the Secretary-General, we should like to emphasize that, in our opinion, he should accept the role which it has been suggested he should play in regard to Jammu and Kashmir, provided that this meets the wishes of the Governments of India and Pakistan and that they clearly express their agreement.

The Bolivian delegation stresses once again that countries such as India and Pakistan, which were linked together in the past, should rather fight together for more noble causes, for peace and progress, through proper economic and social development.

Mr. President, I wish to forgo the interpretation into French and English, as I am entitled to do under the relevant rules.

**193. Text of the Speech made by Mr. Plimpton (United States of America) in the Security Council
Meeting No. 1116 held on 13 May 1964**

Three months ago, on 14 February 1964 [1091st meeting], the considered views of the United States Government concerning the Kashmir question were placed before the Security Council. These views I will augment only briefly.

The United States Government believes that the Security Council has a real obligation to contribute to the creation of as favourable an atmosphere as possible for the prompt and peaceful resolution of the Kashmir problem. We can do so

by demonstrating our willingness to assist the parties to compose their differences in any way they may find helpful. My Government fully shares the views expressed here by other delegations as to the role of the Secretary-General, and we join in the belief that the Security Council should call upon him to assist the parties in ways which they may deem appropriate.

It is now for the parties to the dispute to come to grips with substance of the issue and to negotiate in a sincere efforts to reach a solution reasonably satisfactory to all concerned, with such assistance from the Secretary-General as may be useful. New developments in the area have pointed out the desirability of taking a fresh look at the Kashmir situation, and the necessity of renewed efforts to bring about a peaceful solution of the problem and of all other differences between them.

We also wish to encourage the continuation of talks between India and Pakistan on another of the urgent problems existing between them, namely the relations between the Muslim and Hindu communities.

We believe that the peoples of these two great countries desire to live in peace. Surely they are more aware than we can possibly be that the present state of affairs contains the seeds of tragedy for both countries. To the extent that the voice of friends can lend encouragement to their efforts to find some peaceful accommodation of their differences, let us say that now seems to be a propitious time to make a renewed attempt at reconciliation. Our concern is deep, and we wish them well.

**194. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the Security
Council Meeting No. 1116 held on
13 May 1964**

After an interval of one and a half months, the Security Council is again considering the Kashmir question, which has been included on the Council's agenda at the request of the

Government of Pakistan.

Members of the Security Council have repeatedly heard the positions of the parties, as set forth in the statements by the Minister for External Affairs of Pakistan, Mr. Bhutto, on 5 May 1964 [1112th meeting] and by the Indian Minister of Education, Mr. Chagla, on 7 May 1964 [1113th meeting]. We have also heard more statements by a number of members of the Council.

As we said in our statement to the Security Council of 14 February 1964 [1091st meeting], the Soviet delegation is compelled to note the absence of any essentially new circumstances since the last discussion on this subject.

If, however, one takes the balance of the Security Council discussions about the differences between India and Pakistan, it is unfortunately only the obvious fact and on which we have heard the members of the Council agree, that the further exchange of statements is by no means helping to resolve these differences, but is needlessly exacerbating them. In other words, this again confirms the position which the Soviet delegation has always firmly maintained and continues to maintain—that the India-Pakistan dispute must be resolved directly by India and Pakistan through bilateral negotiations, particularly as soon as a normal and calm atmosphere has been created for such talks.

The Soviet Union's position of principle on the substance of the Kashmir problem has already been stated more than once by the Head of the Soviet Government, Mr. Khrushchey. As is well known, our position is that the question of the ownership of Kashmir has already been solved by people of Kashmir themselves. The Soviet delegation recalled this in its last statement to the Security Council, on 14 February 1964.

Of course, if one is to be realistic, one cannot close one's eyes to the fact that there are differences and serious friction between Pakistan and India, particularly in connexion with the Kashmir question. Unfortunately, many states still have to deal with the legacy of colonialist policy, when the departing colonizers leave behind sinister relics of their well-known policy of dividing peoples and sowing enmity among them.

Is it not clear that the India-Pakistan dispute is having an extremely bad effect on the lives of the peoples of this region? The people themselves, in both countries, are primarily interested in the creation of favourable conditions for the solution of their most important problems—the strengthening of their political independence, the development of their economies and the improvement of their living standards.

It therefore seems particularly important that, with regard to the questions which are the subject of dispute between the two States concerned, nothing should be done which might worsen relations between them or involve any deflection of their efforts from constructive goals. The Indian Minister of Education, Mr. Chagla, quite rightly pointed out, in his statement yesterday, the impossibility of forgetting that quite recently—only seventeen years ago—the peoples of India and Pakistan were fighting side by side for their liberation.

It is therefore difficult to understand why, in his statement of 5 May 1964, the Minister for External Affairs of Pakistan saw fit to say that there exists at present no truce agreement between Pakistan and India and that even a cease-fire between them could in present conditions be considered obsolete. Such utterances can only complicate the situation.

On the other hand, one idea expressed here by Mr. Bhutto is worthy of attention and support. He said that, precisely at this time "...a stage has been reached in the affairs of India and Pakistan which offers an unparalleled opportunity to both countries to open a new era of good-neighbourliness and constructive endeavours" [1112th meeting, para. 92].

It is gratifying that, in his statement to the Council on 11 May 1964, the Minister for External Affairs of Pakistan again confirmed his belief that "it is within our power to transform the climate of our two countries" [1114th meeting, para. 93].

One may also note with satisfaction—as did the Indian Minister of Education, Mr. Chagla—that India and Pakistan have already started direct discussions at the level of Ministers for Home Affairs, with a view to settling a number of questions of importance to the two countries. It can be seen from the

well-known statement by the Pakistan Minister for Home Affairs, which has frequently been quoted in the Security Council, that already, after the first round of discussion by the two sides, 90 per cent of the relevant matters in dispute have been settled. As is equally well known, these discussions are to be resumed shortly, during the current month.

We attach particular significance to this fact, which introduces important new elements into the existing relations between the two parties concerned. The fact that direct discussions have been started between those parties, on their own initiative, and have already led to an agreed solution of a number of important problems must be regarded as valuable progress, inspired by a correct understanding of the interests of both countries. In addition, it clearly demonstrates the unconvincing nature of arguments to the effect that at the present time some outside impetus is required for a settlement of the problems dividing India and Pakistan.

As the Indian Minister of Education, Mr. Chagla, rightly stated in his speech to the Council on 7 May 1964 [1113th meeting], the discussions between the Ministers for Home Affairs of India and Pakistan may, if successful, bring about an atmosphere conducive to the discussion of other questions outstanding between the two sides.

Accordingly, the settlement of the points in dispute between India and Pakistan is in fact already on the right and, as experience is showing, the fruitful path—the path of direct bilateral discussions. It can be said with certainty that this approach to the matter is yielding positive results, because it promotes interests of both countries, India and Pakistan, equally.

This being so, we find hope in the fact that, as this discussion in the Security Council shows, practically all members of the Council have explicitly agreed that the method of direct bilateral talks between India and Pakistan is the best and most promising method.

It is natural in these circumstances to assume that the efforts of members of the Security Council, and of the Council as a whole, will be directed towards making a positive contri-

bution to the establishment of a propitious and calm atmosphere. It is essential that the path which is acceptable to both sides, and on which they are in fact already proceeding, should not now be obstructed by any new factors.

The Security Council cannot of course fail to take into account the well-known views of India, which were stated yesterday in the Council by the Minister of Education, Mr. Chagla, in the following words :

"If this Council is interested in the maintenance of peace and international relations, it should avoid any superimposed solution upon the two countries or any intervention in any talks or discussions we might have with each other." [1115th meeting, para. 35].

In the opinion of the Soviet delegation, the Security Council should do everything to promote the creation of a calm and propitious atmosphere for the bilateral discussions which are already taking place between India and Pakistan on a number of questions. This is its duty and its responsibility, since experience shows that it is this path—direct discussions between India and Pakistan—which may lead to a solution of the questions still, unfortunately, dividing these two countries.

**195. Text of the Speech made by Sir Patrick Dean
(United Kingdom) in the Security Council
Meeting No. 1116 held
on 13 May 1964**

The basic position of my Government on the Kashmir dispute is well known and I have at this stage nothing to add on this topic. Since the Council last discussed Kashmir, certain developments have taken place in the sub-continent which ought to be taken into account.

My delegation expressed the view on 10 February 1964 [1090th meeting] that the first step towards finding common ground between India and Pakistan should be that both India and Pakistan should restore normal conditions and inter-communal harmony in their two countries, and forthwith

undertake talks on their communal problems, with a view to preventing further outbreaks.

We note with very great satisfaction that a meeting between the Ministers for Home Affairs of India and Pakistan has been held to this end, and that a further meeting between them is planned in order to resolve points left outstanding at the earlier meeting. My Government attaches the greatest importance to these meetings of representatives of the Governments of India and Pakistan as a means of reducing dangerous tensions on the subcontinent. As the Prime Minister of India, Mr. Nehru, said in a statement in the Indian Parliament on 13 April 1964 : "There is no other way for India and Pakistan to live except to live at peace."

The second development since the Council last met is that Sheikh Abdullah has been released, and has been having discussions with Mr. Nehru and other Indian Ministers in Delhi. We note that in his statements he also has laid great stress on the prime necessity of restoring amity between India and Pakistan as neighbours in the subcontinent.

Time is required for the constructive developments to which I have referred to yield their results. We therefore believe that the Council should content itself with encouraging the parties to continue the consultations which are in train in order that an honourable solution, satisfactory to the peoples of India and Pakistan, including, of course, the people of Kashmir themselves, may be reached. If at any stage they believe that a degree of outside assistance would be helpful, my delegation would urge the parties to consider the possibility of engaging the assistance of the Secretary-General of the United Nations.

The Kashmir dispute remains of concern to the United Nations as a whole, but if the parties most directly concerned including the people of Kashmir, reach a mutually acceptable conclusion, it will have the whole-hearted endorsement of my Government and, I would expect, of the Security Council.

**196. Text of the Speech made by the President Mr.
Roger Seydoux as representative of France
in the Security Council Meeting
No. 1116 held on 13 May 1964**

On several occasions, and most recently on 14 February 1964 [1091st meeting], the French delegation has made known its views—which have not changed—on the basic issue relating to Jammu and Kashmir. Instead of repeating these considerations, therefore, I think it will be more expedient to confine myself, as indeed most of the other speakers have done, to the developments that have taken place since the last session of the Security Council and to the prospects they appear to hold out for the future.

A number of new facts deserve to be noted.

First of all, there is the remarkable and very fortunate fact that this time we are not meeting in an atmosphere of mourning and alarm like that created early in the year by the new outbreak of bloodshed in various parts of the subcontinent, beginning with Kashmir. Of course, it would be far from the truth to say that everyone is calm again. But at least it is a relief for the friends of India and Pakistan to see that good sense is now tending to prevail over passion.

In this connexion, the meeting between two members of the Governments concerned and the discussions—considered useful by both sides—which they have held are another encouraging sign. All the problems involved have probably not been tackled, and no definite conclusions have yet been drawn from this initial exchange of views; but contact has been established and it has been agreed that there will be further contact. This is a step in the right direction.

Lastly, for the French delegation, and for many others, one important development is the release of a leading figure in Kashmir who is now in a position to use his influence and personal authority to promote a better understanding, encourage the trend towards conciliation and perhaps clear the way towards a possible settlement of the dispute in his native country.

On the whole, the prospects are better today than they were a little while ago. My delegation considers that it is imperative that nothing should be done on either side to jeopardize them either by resorting to violence or even by reverting to sterile polemics. It sincerely hopes that, taking advantage of the favourable aspects of the current situation, both parties will resume their talks without delay and endeavour to find a solution to the problem of Jammu and Kashmir by negotiation.

In the belief that such a solution would certainly play a decisive part in helping to re-establish good—neighbourly and friendly relations between India and Pakistan, my delegation would like to have the assurance that, despite the obstacles which will probably arise on the way, the negotiations will be conducted with a genuine desire to succeed and carried through right to the end.

It is no doubt with the same concern in mind that so many speakers, both yesterday and this afternoon, voiced the opinion that our Organization, and more specifically the Secretary-General, to whom a fitting tribute has once again been paid, would have a part to play in such circumstances. The French delegation endorses. It considers that it would be desirable for the Secretary-General to ensure that the Security Council is in a position to keep abreast of developments in a matter which is of concern to us all, that for this purpose he should be kept regularly informed by the two parties of the progress achieved or the difficulties encountered in the course of their bilateral negotiations, and that he should be able to offer them his assistance or advice, if necessary, so as to prevent the talks, once started, from being broken off again.

I assure the representatives of India and Pakistan that no country would be happier than my own at seeing a settlement of the differences that still divide these two great countries, and no country is more hopeful that they will succeed for the good of all the peoples involved and for the future of the civilization to which they have both fallen heir.

**197. Text of the Speech made by the President
Mr. Roger Seydoux (France) in the Security
Council Meeting No. 1117 held
on 18 May 1964**

I should like to begin this meeting by apologizing to the Ministers of India and Pakistan for having kept them waiting so long, but, as they must know, this was due to circumstances beyond the President's control.

At the close of the meeting on 13 May 1964 [1116th meeting], the Council, on the proposal of the representative of Brazil supported by the representative of Norway, was good enough to ask me to attempt to draw up the conclusions from our debate.

It seemed to me, and I believe to my colleagues, that the task was to investigate the possibility of finding common conclusions in which all members of the Council could acquiesce.

I have been carrying out this task in consultation with all the members. I must now place on record that, despite the goodwill displayed by my colleagues, it has not been possible to reach complete agreement. Unanimity has not been achieved on one of the important points under discussion.

Consequently, your President is not in a position to identify any comprehensive conclusion. His report will contain three points. He must confine himself to a statement, in the first part to those points on which there was no difference of view between the members of the Council, and, in the second part, of the different opinions indicated on a further point :

"I

"(a) The members of the Council noted that this week's debate was a continuation of our discussions of February and March on the question of Jammu and Kashmir. They recalled that they had already, particularly during the debate in February, stated the views of their Governments on the basic facts of the problem, including the relevant United Nations resolutions, the question as to the juridical

status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid;

“(b) The members of the Council expressed their concern with respect to two great countries which have everything to gain from re-establishing good relations with each other and whose present disputes, particularly that centring upon Jammu and Kashmir, should be settled amicably in the interest of world peace;

“(c) The members of the Council expressed their feeling that recent developments were such as might lead to the adoption of more flexible positions, to better mutual understanding, and therefore to a situation in which conversations between the parties concerned would have better prospects of leading to a settlement;

“(d) The members of the Council expressed their conviction that everything should be done to consolidate those favourable factors and to avoid jeopardizing those prospects, and that this required an attitude of conciliatory moderation on the part of both parties and an attitude of caution, but also of vigilant attention, on the part of the United Nations;

“(e) The members of the Council expressed the hope that both parties would refrain from any act which might aggravate the situation and that they would take steps calculated to re-establish an atmosphere of moderation between the two countries and peace and harmony between the communities;

“(f) The members of the Council expressed the hope that, in the light of our recent debates, the two countries concerned would resume their contacts in the near future with a view to settling their disputes, particularly that centring upon Jammu and Kashmir, by negotiation;

"II

"Several members of the Council expressed the view that the Secretary-General of the United Nations might possibly give useful assistance to the parties in order to facilitate the resumption of negotiations on the question of Jammu and Kashmir, or might help them to continue such negotiations in the event of the latter encountering difficulties. Other members of the Council, however, expressed the view that the negotiations between India and Pakistan might be complicated by any outside intervention, and that even the principle of having recourse to the Secretary-General should be a matter for agreement between the parties.

**198. Text of the Speech made by the President
Mr. Arthur J. Goldberg (United States of
America) in the Security Council Meeting
No. 1237 held on 4 September 1965**

In convening this meeting of the Security Council and before saying a few words in deserved tribute to my predecessor as President of the Security Council, I would like to address myself to the calling of this meeting.

For the past few days, the Secretary-General, I myself as President, and members of the Council have been in consultation about how the United Nations could best exercise its responsibility to help maintain peace in Kashmir, where, as is well known, United Nations observers are on the ground, and with respect to which the Security Council has taken action on numerous occasions in the past.

On 1 September, three days ago—I almost said three long days ago—the Secretary-General sent to the Prime Minister of India and the President of Pakistan an appeal for a cease-fire [S/6647]. Virtually continuous consultations since then have revealed a general desire that the Council be convened urgently to take up its responsibility. The military news from the area, as is well known and as has been reported in the world Press, continues to be grave, and the United Nations observers on the

ground have been unable to carry out their functions freely.

In the light of these consultations and these extra-ordinary and serious circumstances, as President of the Security Council I called this morning for a Council meeting this afternoon in the following words :

"Consultations by the Secretary-General and the President of the Security Council with members of the Council have revealed a general desire that the Security Council be convened promptly to consider, in the light of the Secretary-General's appeal for a cease-fire, the serious conflict now taking place in Kashmir.

"Since, under the circumstances, a meeting is necessary, I have, as Security Council President, called a meeting of the Council for 3 p.m. today, 4 September."

Rules 1 to 3 of our provisional rules of procedure provide that the Council can be convened by the President under various circumstances : when issues are brought to it by the General Assembly, the Secretary-General or a Member State (rule 3); when a member of the Council requests a meeting (rule 2); and at any time that the President deems a meeting necessary (rule 1). This was explained to the Council by the Chairman of the Committee of Experts on the rules, in his report of 5 February 1946, almost twenty years ago, as follows :

"...the Committee adopted a new and more flexible wording which does not expressly provide for 'extra-ordinary' meetings, while, however, leaving to the President of the Council the power to call meetings :

"(a) When he deems it necessary (rule 1);

"(b) At the request of any member of the Council (rule 2);

"(c) When it is provided for by the Charter (rule 3)."

In addition, perhaps because of my juristic background,

I have researched the relevant precedents. A specific precedent for the convening of the Council in these or comparable circumstances can be found in its 847th meeting, on 7 September 1959, when the representative of Italy was the President of the Council,

In July 1965, in fact one day after the lamented death of my distinguished predecessor, Adlai E. Stevenson, the President of the Security Council, at that time the representative of the Soviet Union, Mr. Morozov, asked for the Council to be convened on the basis of a telegram from Mr. Jotincury, which was never transformed into a formal request for a meeting by any member of the United Nations or the Security Council. It would appear to me, therefore, in reading this background, that the President of the Council was at that time convening a meeting on the basis of his judgement as President, I believe that in that case, as I read the record, members of the Council were willing to meet, but not on an urgent basis, and that the meeting in fact took place, without a change in the underlying circumstances, on 20 July 1965.

The practice of the Council—although not the rules—is that the President consults members about the timing of the meeting. There have, in this case, been extensive consultations over the past three days—not only by myself, but by the Secretary-General as well—both about the desirability and about the timing of the meeting. I know the Secretary-General has done everything possible, and I have tried to the best of my ability in the present urgent circumstances, to keep all members informed of developments as they occurred. The Secretary-General, I believe, has seen all members of the Council; I have been in touch personally with most members of the Council at various times over the past few days; and in addition, of course, we have had the benefit of a flow of information about these consultations by the able and hard-working members of the United Nations Secretariat.

Members of the Council were informed yesterday that the time of a meeting might be announced then, and later were also informed that they should be available this week-end as it might be necessary to call a meeting today.

This morning, as President of the Council, I set the time for the Council meeting at 3 p.m. today. I regret that, in the light of the emergency and the extraordinary circumstances which face us, time did not permit me to advise all members in advance of the exact hour of the meeting. I hope that, if this has inconvenienced any members, they will bear with me in these serious times, and that we can all turn our attention promptly and substantively to helping restore peace in Kashmir. I would tender my profound apologies to any member of the Council who was inconvenienced by my inability—and it was only a physical inability, due to lack of time—to call each one early this morning in regard of the precise time of the meeting.

I have made this preliminary statement to make clear the circumstances under which this meeting has been called.

**199. Text of the Speech made by Mr. Morozov
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1237 held on
4 September 1965**

Thank you, Mr. President. By raising this highly important matter, which has a general bearing on the proper organization of the work of any meeting of the Council, regardless of the specific matter under discussion, you have made my task very much easier.

However, I am bound to say that my expression of gratitude to you for bringing this general question before the Council—a question which is, so to speak, a common denominator of all the matters dealt with by the Council—unfortunately ends at this point, because I do not agree with your decision and interpretation with regard to this important question.

The Security Council is the principal organ of the United Nations bearing exclusive responsibility for the maintenance of peace and security on behalf of the United Nations. For that reason, the question of the methods and rules of procedure in accordance with which this important organ acts is, of course, of more than purely formal or legal significance; in

view of the important work of the Council and the tasks which it is called upon to perform, this question inevitably assumes great political significance.

That is why my delegation has always insisted not only on strict observance of the provisions of the Charter in matters relating to the work of the Council but also on strict observance of the rules of procedure, which are based on the Charter and were adopted by the Council, even though, by an irony of fate, these rules have continued for two decades to be referred to as "provisional". This designation does not diminish the significance of the rules. I do not think that any members of the Council would contend that the Council can ignore the rules of procedure in one case and adhere strictly to them in another.

If we were to follow that course, our consideration of extremely important questions affecting the maintenance of international peace and security would be utterly chaotic.

Thus, the first point which I am trying to make is that the Council must conduct its work in strict accordance with the established rules, whether it is considering the question of Kashmir or some other question. I think it would be superfluous to say anything further in support of this point.

Turning to the question of the most unusual procedure—if the adjective "unusual" can be applied to the word "procedure"—concerning which you have just reported to the Council, I shall try to use the mildest possible terms in demonstrating that it is essentially a violation of the established rules of procedure for preparing for and announcing a meeting of the Council.

Rules 1, 2 and 3 cannot be considered separately. Rules 2 and 3—I shall not read them out before this well-informed audience—establish the principle that meetings of the Council cannot be called as it were "anonymously". When a meeting of the Council is called, the request for a meeting can originate with a member of the Council, a Member of the United Nations or even, under certain circumstances, a State not a Member of the United Nations, assisted by a Member State.

Under certain circumstances, if the General Assembly—

and here, of course, I am not referring to those resolutions whose illegality has been frequently pointed out by my delegation—addresses itself to the Security Council in the manner prescribed by the Charter, its action may be regarded as a reason for calling a meeting. Finally, a meeting may also be called if the Secretary-General submits a report to the Council under Article 99 of the Charter. These are the safeguards provided by the rules of procedure to ensure that a situation does not arise in which a meeting is called even though no member of the Council, and no one else authorized under the rules of procedure to raise the matter, has in fact requested the meeting.

I need hardly dwell on the fact that the General Assembly and the Security Council, when they adopted the relevant rules, intended that a request for a meeting of the Security Council should imply a certain assumption of political responsibility.

Not only today but on previous occasions we have maintained, when these questions arose in the work of the Security Council, that rule 1, to which you, Mr. President, referred, must be taken in conjunction with rules 2 and 3, if we are not to make the provisions of those two rules meaningless. Thus, the words which you cited from rule 1 to the effect that the President may call a meeting of the Security Council at any time he deems necessary can be interpreted in only one way: it is the President who, by virtue of the discretionary powers vested in him, has in the final analysis the exclusive right to decide the time when a meeting of the Council should be called.

If we take a different position and do not regard rule 1 as dealing solely with the right of the President of the Council to decide the time when the Council should be convened, then rules 2 and 3 lose their significance and we become involved in contradictions from which we will be unable to extricate ourselves.

I shall clarify this with an illustration. If, let us say, delegation A considers that the Security Council should be convened in one hour's time, delegation B considers that it should be convened in one month's time, and delegation C considers that it should be convened in one week's time, then

rule 1 indicates the way out of the situation so that the Council can be convened. The rule authorizes the President, acting alone on the basis of his discretionary powers, to decide that the Council should be convened at some time other than those requested by delegations A, B and C. His decision may be criticized and various views may be expressed about it, but it cannot be called into question. The President may decide to call a meeting of the Council ten minutes after a request to that effect has been received, or after any other interval of time, hearing in mind but not necessarily following the various proposals put forward. There would be no solution to the problem if the President did not have this power to decide when the Council should be convened. However, that is the extent of the provision. Rule 1 does not grant the President any other powers.

However, it appears, Mr. President, that you yourself are not particularly convinced of this, since you attempted to buttress rule 1 by referring, first of all, to the explanation given by the Chairman of the Committee which drew up the rules of procedure and, secondly a recent precedent.

Let us start with the precedent to which you referred when you were good enough to mention me as a recent President of the Security Council. This precedent actually proves nothing, and for a very simple reason. During the period to which you referred, each time that discussion of the Dominican question in the Security Council ended, it was agreed that the President would convene the Council whenever circumstances warranted or when any member of the Council so requested.

The very fact that the Council adopted this formula and came to an agreement that the President would call a meeting whenever circumstances warranted is the best possible confirmation that rule 1 does not decide this question.

Moreover, it is quite clear that in the case in question the Council gave its President a free hand in advance on a specific matter, under specific circumstances and in a specific context. The Council authorized the President in advance to act in this way on the Dominican question, which was before the Council. However, the whole point is that no such authori-

zation was given to the President by the Council on the Kashmir question.

When the Council takes a similar decision, at this or any other meeting, and authorizes the President to act in this way, then and only then will the President be able to do so.

With regard to your second argument, Mr. President, namely, your reference to the conclusion of the Chairman of the Committee of Experts which drew up the rules of procedure, I am bound to say that, generally speaking, when we have to be guided by as strict and specific a document as a set of rules of procedure, we must follow the provisions of those rules and not some explanation which may have been given after their adoption by one of those who drew them up. Therefore, from a legal point of view, the reference to the statement by the Chairman of the Committee which drafted the rules of procedure neither adds to the rules nor detracts from them. Thus, everything said in this regard remains valid.

There is a further matter on which I should like speak, a matter regarding which, Mr. President, you offered an apology, namely, the fact that the Soviet delegation was not consulted at all, even on the question of when the Council should be convened, when you, as President of the Council, decided—in our view, wrongly—that, despite the fact that no one had requested it, you could call a meeting of this Council under rule 1. I am referring here only to official consultations and leaving aside various circumstances which would take us too far afield, that is to say, matters which were the subject of consultation between delegations, between you and me and other delegations. Referring only to official statements, I must state that at about 10 p.m. yesterday I was informed officially and by your authority that the President requested the Soviet delegation to stand by on Saturday, because on that day he intended to hold consultations regarding the convening of the Security Council. Those consultations were not held until almost midday, and in any event not until you had taken the decision in question.

I am bound to say that those consultations were not held at all before the meeting of the Council was opened. Quite the

contrary, since it was at about 12 o'clock—I did not note the exact time—that I was informed that the President had decided to call a meeting of the Council for 3 p.m.

I profoundly regret, Mr. President, that as you entered upon your duties as President of the Council, you felt that you could make such a flagrant departure from the accepted procedure for consultations, if only regarding the time for convening the Council, to say nothing of the substance of this question. Your reference to the urgency of the question, to the need for an urgent decision, and your reference to the fact that you had been unable to consult all the delegations have a discriminatory ring about them. As everyone knows, there are eleven delegations in the Council. The number of members of the United States delegation who could have talked to the members of the Council is clearly more than eleven; thus, if you had wished, they could have held consultations on your behalf with all members of the Council for five or ten minutes. I should therefore like to point out that your argument regarding the urgency of the situation proves nothing. Furthermore, it is merely a cover-up for the deplorable fact which you yourself acknowledged and for which you were forced to apologize. For my part, I would have preferred not to hear those apologies but to come to an agreement, at the very outset, that during this month of your Presidency we shall be guaranteed against any repetition of this situation and that you, Mr. President, will follow the practice which was established here long before your arrival and is in keeping with the businesslike methods of communication between the President and the members of the Council which alone can enable you successfully to carry out your duties in conducting our meetings.

I should like to point out that, under the rules of procedure and the Charter of our Organization, the President has no powers other than those relating to the conduct of our meetings. Outside those meetings, therefore, the President must be very careful not to adopt any course of action which might later necessitate apologies of the kind we have heard here, which only emphasize the completely abnormal atmosphere which has been created in the process of calling this meeting of

the Council.

Thus, to sum up, the breaches of and departures from the rules which occurred during the preparations for the present meeting of the Council are intolerable not only in considering this particular question—I do not wish to link this matter with the position which my delegation will take on the substance of the question when the Council comes to discuss it—but also because, of course, they greatly complicate the Council's performance of its functions. A repetition of these breaches and departures can only have a most undesirable effect on the future work of the Council.

I would therefore request you, Mr. President, not to insist on the thesis which you have tried to defend and justify here.

**200. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1237 held on 4 September 1965**

I should like to occupy a little of the Council's time on the very interesting discussion to which we have listened with regard to the interpretation of rules 1 and 2. For the present purpose one may ignore rule 3.

Before doing so I should like to state at the outset that I hesitate before trying to controvert the elucidation given to the Council by such a member of the Council as the Soviet Union, which undoubtedly has had perhaps the longest experience of any of us gathered here with regard to the interpretation of the rules. I should like to say also that, having once been a President and not hoping to be a President at any future time, I may claim to be unhampered by any suggestion of having a vested interest in the activities and authority of the President.

Mr. President, because of your juridical background—and you come to us with the authority of a Judge of the Supreme Court of the United States—I hope it will not be thought that, as a mere lawyer, I am too ready to be deferential to a judge. However, I am bound to say that I agree with the interpretation given by you, and I do so not as representing the Malaysian delegation or as a politician but as

one who has served some apprenticeship in the profession of the law.

I understand that the basic contention of the Soviet representative is that rule 1 and rule 2 are not mutually exclusive, that the one impinges on the other, that rule 1 should be construed in the context of rule 2 and that rule 2 only enables rule 1 to be applicable. That would mean that the phrase "at any time" which is used in rule 1 means, according to him, at any time in terms of chronology—whether it is to be today, tomorrow or the day after. Unfortunately, I have only the English text and I am not educated in the Russian language, so that I do not quite know what that text contains. However, in the text before me, it is stated that: "Meetings of the Security Council shall ... be held at the call of the President at any time he deems necessary". The word "necessary" in the English language, I take leave to point out, is indeed appropriate to the calling of the meeting and not to the timing of the meeting. Where it says that meetings of the Security Council shall be held at the call of the President at any time he deems necessary, it means at any time he deems a meeting necessary. Indeed, it does not say: at any time the President deems necessary, provided a member of the Security Council has made the request under rule 2.

Therefore, quite clearly, rule 1 and rule 2, in my submission, are mutually exclusive. Rule 1 gives the authority and the power to the President; provided only he deems it necessary to convoke a meeting of the Security Council, he shall be at liberty to do so. Undoubtedly, Mr. President, your experience may be even shorter than mine, but I do not believe that any President would want to call a meeting just on his own fiat; when he finds it necessary, that necessity would undoubtedly have to be fortified by opinions he would have collected from his ten other colleagues.

Now, going on to rule 2, it says: "The President shall call a meeting of the Security Council at the request of any member of the Security Council." It does not go on to say "the date and time of the meeting being at the discretion of the President under rule 1".

Therefore, rule 1 provides for the authority of the President which is inherent in his duty as President, and rule 2 provides for the calling of a meeting by any member of the Security Council. I should therefore think, with the utmost deference to the representative of the Soviet Union, that purely as a matter of interpretation of the English language in the two rules appearing side by side, they are incapable of the interpretation put upon them by him.

**201. Text of the Speech made by Mr. Quarles Van
Ufford (Netherlands) in the Security Council
Meeting No. 1237 held on 4 September 1965**

The report we have in front of us by the Secretary-General on the current situation in Kashmir not only is a confirmation of the dispatches that have reached us on the deterioration of the situation in Kashmir, but also throws a harsh light on the disconcerting events in that part of the world. It is the view of my Government that urgent circumstances exist that should be examined without delay by the Security Council. Therefore, Mr. President, my delegation supports your call for this meeting and hopes that the Council will be able to discuss the matter that is brought to our attention without delay.

**202. Text of the Speech made by Lord Caradon
(United Kingdom) in the Security Council
Meeting No. 1237 held on
4 September 1965**

I wish to make a short comment on the procedural point that has been raised this afternoon.

We have listened with great defence, as always, and also with a certain impatience, to the point which has been elaborately stated by the representative of the Soviet Union. Three points, perhaps, he raised. The first point, which he took some time to explain to us, was that we must observe the rules duly laid down for the conduct of affairs in this Council. I should scarcely have thought that it was necessary even

allowing for his great experience in these matters, to lecture the Council in such a way. We all, of course, accept that the rules of the Council must be scrupulously obeyed.

The second point, however, was the main point which he wished to put to us, in relation to rules 1 and 2. Now, whether we are lawyers or not lawyers I think we must take it that rule 2 does not cancel rule 1, nor in fact detract from it or supersede it in any way. Both rules stand on their own feet. Rule 1 establishes the general principle that meetings of the Council shall be held at the call of the President at any time he deems necessary—and, as the representative of Malaysia says, that means what it says. Rules 2 and 3 are separate and distinct, and set out the circumstances in which the President is required or obliged to call a meeting of the Council. These rules are, of course, without prejudice to the general discretionary powers which are so clearly set out in rule 1.

Then there was a third point, which was a question of fact. Of course I do not know exactly the consultations which took place with the delegation of the Soviet Union, but I would say that we have known for several days that a meeting of this Council might well become necessary. All of us have been in touch with the Secretary-General, and in the past day or two with the President himself. I received, and I would be surprised if the delegation of the Soviet Union had not also received, warning that an early meeting of the Council might be required. It certainly came as no surprise to me when I heard today that finally a meeting had been called by the President in exercise of the powers which, it seems to us, are perfectly clear.

**203. Text of the Speech made by Mr. Liu (China) in
[the Security Council Meeting No. 1237 held
on 4 September 1965]**

At this grave hour I really hesitate to take up any time of the Council by my intervention. After listening to the statement which the President gave at the beginning of the meeting,

I should have thought that reasons for convening the Council this afternoon were unchallengeable, whether considered from the point of view of rule 1, rule 2 or rule 3 of the provisional rules of procedure.

But I wish to advance another point. Even if we start from the premise that there is a relationship between these three rules, let us remember that the President of the Security Council is, at the same time, a member of the Council. In ordinary circumstances, if a member of the Council wants to request a meeting, he goes to the President, and then the President consults with the other members. But when the member happens to be the President himself, he has nobody to go to except himself.

May I say, Mr. President that the consultations that you had with other members of the Council were extensive, and that no President could have done more, even if the request had come from any other member of the Council. I want to submit that if a member of the Council happens to be the President, this does not abrogate his right as a member to initiate a meeting. It would be absurd to interpret our rules in any other light. The meeting of the Council has been convened in the name of the President and as a prerogative of the President, but it is the inherent right of a member to initiate a meeting.

**204. Text of the Speech made by the President Mr.
Arthur J. Goldberg (United States of America)
in the Security Council Meeting No. 1237
held on 4 September 1965**

I believe that the views of the President and of the representatives of the Soviet Union and other Council members on the subject now before us have been amply expounded. I would add just a few words. We have checked the records of the Council meeting prior to the one convened by Ambassador Morozov this summer to which reference has been made, and there is no record of any special authority being given to the President with regard to calling further meetings.

With respect to the question of consultation, I would hope that it is very clear that there was extensive consultation, and I think that appears from all that has been said here. This morning, because of the urgency of the situation, I felt that if we were to meet today—which was our anticipation yesterday—word ought to go out immediately, for the convenience of the members of the Council. When I said that I apologize if I caused any inconvenience to any member, I meant it in those terms. I do not apologize for doing my duty, as President of the Council, in convening a meeting when it is necessary, as rule 1 provides.

On the other hand, I fully understand what the representative of the Soviet Union said because, under comparable circumstances, Mr. Zorin, as President of Council, faced a similar complaint on the part of the United States representative. That was on 13 November 1961. On that occasion, the representative of the United States raised a question as to the notice he had received, just as Mr. Morozov has done today. Apparently the same circumstance existed which impelled me today to act as urgently as I did, without the President's having the opportunity to consult with any member of the Council as to the precise hour of the meeting, and the representative of the United States raised a question about not having received adequate notice as to the time of the meeting. Mr. Zorin replied in almost the same words that I used here today. He said :

"I feel that I acted reasonably. The representative of the United States, apparently, does not entirely agree with me. I am sorry he does not agree with me,"—I take that as a similar word of apology—"but I feel that everything which could have been done on my part, by way of consultation with members of the Security Council, was in fact done. I intend to continue in the future to consult all members of the Council on the calling of meetings of the Council,"—I repeat that, for myself—"and I think that all members of the Security Council will co-operate with me in this matter." [973rd meeting, para. 20].

I intend to do the best I can in this area in the future,

so long as I sit in this seat.

**205. Text of the Speech made by Mr. Morozov
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1237
held on 4 September 1965**

Mr. President, I should like to point out that in your second statement you conceded that in the future you would avoid creating a situation like that which resulted in my delegation's not being consulted about the time of the Council's meeting.

Although coming at this time, that is not enough to give me, as representative of the Soviet Union, full satisfaction, it is in any case considerably better than the statement made by my distinguished neighbour on the left. Reproaching me for trying to lecture the Council—which I leave to his conscience—the United Kingdom representative expressed himself more or less as follows: Oh, you were not informed? But I was informed, so please be satisfied with that." Of course, if we are going to act in that way, it will hardly contribute to the success of our work. In any event, it has already resulted in the loss of time which we could have put to considerable better use.

My second observation is that we could, of course, continue at great length the discussion of the meaning of rules 1, 2 and 3. I wish to reaffirm the position which I stated initially in answer to your statement, Mr. President; I remain of that opinion. However, I am very grateful to the representative of the Netherland. He did not, it is true, support my point of view with regard to the interpretation of the extent of the President's authority, but he did, in a highly practical way, come to the rescue, I might say, of the whole Council—both you yourself, Mr. President, and all those others who, like you, have until now been considering what steps they should take to convene the Council. The representative of the Netherlands made two points in his statement. First of all, he said that his Government considered it essential to call a meeting of

the Security Council. Well, better late than never. It seems that this saying has been translated into all languages. Thus, we have a formal proposal to call a meeting of the Council. And since we have not yet started the meeting and have not yet considered the Council's agenda—even though it is not quite customary, and I would have preferred to see that proposal in writing under the name of the country represented by my distinguished neighbour on the right—I am prepared, in view of the circumstances in which we find ourselves, to accept it as a formal proposal to call a meeting of the Council.

The Netherlands representative said further that since his Government considered it essential to call a meeting of the Council—that is how he began—he supported your decision, Mr. President. This is, as the French say, a manner of speaking. However, if it pleased him to state that the Government of the Netherlands considered it essential to call a meeting of the Council on this question and to add something more, as I have just pointed out, then, in view of the service which he has done us all by removing the necessity for continuing this particular discussion, I am prepared to forgo any comment on what he said.

**206. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1237 held on 4 September 1965**

On behalf of the six sponsors—Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay—I should like to introduce to the members of this Council the text of a draft resolution [S/6657].

The text is self-explanatory, and I need not dwell on its contents; it is entirely and solely designed to meet the present emergency in Kashmir.

I wish to emphasize that the draft resolution makes no findings; it produces no judgements on the distressing and tragic situation that has suddenly developed along and beyond the cease-fire line between India and Pakistan in Kashmir. I am sure either side has at its elbow all the valid reasons to explain, and perhaps also to justify, how this came about

and also why it could not be avoided and had to occur. For the immediate present, I venture to think, we should avoid getting entangled in these reasons, having regard to the urgency which faces the Security Council this afternoon.

Hardly thirty minutes ago, as here we exchanged compliments, before proceeding to exchange arguments, a Reuters' report received in New York at 4.28 p.m. disclosed that :

"Pakistani forces pushed deeper into Indian Kashmir today"—Saturday, 4 September—"as air fighting between the two countries intensified and the United Nations Security Council met to try to solve what the Secretary-General, U Thant, called an 'ominous situation' " and so on.

I have referred to this in passing by way of emphasizing the urgency of the problem with which the Security Council is faced at this very moment.

The Security Council has before it the report of the Secretary-General. It discloses a state of affairs of the gravest kind, with unpredictable potentialities not merely for India and Pakistan but for the wider world as a whole. Even the characteristic moderation of the Secretary-General in the use of language in all his reports has had to be exceeded in the language in which he has presented this report. It underlines the somber shades in the situation and emphasizes the risks that the world would be consciously running if nothing were done to moderate and modify the attitudes that created this situation.

The Security Council therefore is faced with an objective situation on the ground and in the air in Kashmir which cries for the intervention of the Security Council if as indeed it is, the supreme world organ solely concerned with and responsible for the peace and security have received their profoundest shock by the recrudescence of the present violence on a disturbing scale, even in the normally unstable conditions that have prevailed in Kashmir.

The Security Council therefore owes itself and the high

purposes for which it has been called into being a duty : to cry a halt to this manifestation which, with every day that passes, is escalating towards a wider war. Limited objectives in a situation of such potential danger cannot for very long remain limited, posing the potential threat of a larger conflagration.

As I said, the draft resolution does no more than just call a halt to this escalation. India and Pakistan, as two great world Powers, have less a duty to themselves than to the wider cause of world peace and world order. They have been and should continue to be an example to the Afro-Asian world. Certainly neither of them, with the wealth of political talent and wisdom with which they have been generously endowed, can seriously believe—whatever the rationalized and articulated motivations behind their respective present stands—that the course in which they have launched themselves, a course, if I may say so, so utterly alien to their cultures and their manifest destiny in the world, can in fact and in truth contribute towards a peaceful solution of their decades-old problems, to which they both have unreservedly committed themselves in the eyes of the world.

The draft resolution calls attention to the obligations already undertaken by the two States and just asks them to desist from pursuing their objectives through the dangerous paths of violence and injustice to their duty to themselves, and in deference to the Charter of the United Nations and their duty to the world.

The world Press has in recent days pressed on and presented to the Governments of India and Pakistan the anxieties of the Heads of States and Governments all over the world at the alarming drift of the situation in Kashmir, and all of them have directly addressed appeals to the Heads of Government in India and Pakistan. Perhaps I may be permitted to mention specially the attitude of Mr. Lester Pearson of Canada, offering his immediate and personal services to help to bring about a cease-fire, which brings to this problem its deserved measure of urgency.

I trust that this Council will suffer no delay, will act

promptly and with all possible speed and accept this draft resolution without a dissenting voice so that the appeal of the Secretary-General may be endorsed with the unanimous strength of the whole of this Council.

**207. Text of the Speech made by Mr. Quarles Van Ufford
(Netherlands) in the Security Council Meeting
No. 1237 held on 4 September 1965**

The alarming reports of recent events on both sides of the cease-fire line in Kashmir have filled the delegation of the Netherlands with concern. It is with sorrow and perplexity that my delegation is forced to recognize that a problem with which the Security Council has grappled since 1947 has abruptly returned to a degree of frightening intensity. The occurrences of the past weeks—if that word suffices to describe the acts of violence that have taken place—have, unfortunately, made it imperative for the Security Council once more to give its urgent attention to the situation in Kashmir.

At this particular moment, my delegation has no desire to enter into a detailed examination of the broader issue, for the obvious urgency of the situation calls for few words but clear expressions. These clear expressions of the opinions of the members of the Security Council should be an endorsement and an affirmation of the earnest appeals that have already been made to the two parties engaged in this distressing conflict.

The message which the Secretary-General sent on 1 September to the President of the Republic of Pakistan and to the Prime Minister of the Republic of India represents the culmination of a series of steps which the Secretary-General undertook to check further deterioration of the situation. My delegation is appreciative of the unrelenting efforts of the Secretary-General and is all the more disappointed to not that these earnest appeals have not as yet been heeded by the contending parties.

Likewise, the messages from a number of Governments,

equally appalled at the breaches of the peace in Kashmir, although those messages were an obvious indication of general and deep concern with this frightening situation, have so far received no reassuring replies.

Where all these earnest and direct appeals have produced no hopeful results, it is the opinion of my Government that the Security Council cannot remain inactive with regard to acts which come clearly within the purview of the provisions of Chapter VII of the Charter.

It is the primary duty of the Security Council at this stage to call for respect for the cease-fire agreement and the cease-fire line freely agreed upon by both Pakistan and India on 27 July 1949. It is urgent that the parties be called upon to cease forthwith all hostilities and to restore the cease-fire line.

Force cannot settle the issue. However deeply rooted the differences may be, however strong the passions may flow, a solution cannot be reached as long as armed might is used to force an outcome. As Members of the United Nations, having subscribed to the Charter and to the words of the Preamble, "to practise tolerance and live together in peace with one another as good neighbours", we are all obliged to act, in all circumstances, in accordance with the spirit and the letter of the Charter.

At the present stage of our deliberations and of our dealing with the grave situation in Kashmir, the Netherlands delegation is of the opinion that the Security Council should urge both Governments to respect the cease-fire line agreed to in 1949, to cease immediately all military actions and hostilities, to prevent crossings by armed personnel or civilians from both sides of the cease-fire line, to halt all firing across that line, to withdraw all armed personnel from the other side of the line and to co-operate with the United Nations Military Observer Group, which should have full freedom of movement and access.

Therefore my delegation considers the draft resolution which has been presented by the representative of Malaysia on behalf of the non-permanent members of the Security Council

to be a useful and necessary step towards restoring peace in Kashmir. It hopes and trusts that this draft will be unanimously adopted. This resolution should be seen as but a first step in order to create a favourable climate for the restoration of peace. This urgent appeal by the Security Council should not preclude its obligation to follow vigilantly the developments in Kashmir and to take further action if that were required.

**208. Text of the Speech made by Lord Caradon
(United Kingdom) in the Security Council
Meeting No. 1237 held on
4 September 1965**

My Government has been following with grave and growing concern the recent violent and dangerous developments in Kashmir. These developments are described in the Secretary-General's report which is before us today.

We have noted the report made by General Nimmo, described in paragraph 6 of the Secretary-General's report, that the series of violations of the cease-fire line that began on 5 August "were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the cease-fire line from the Pakistan side for the purpose of armed action on the Indian side".

We have also noted the Secretary-General's conclusion, set out in his telegrams dated 1 September 1962 to the Prime Minister of India and the President of Pakistan, that, without any attempt to apportion blame, it may be said that acts of violence "now come from both sides of the line, involve an increasingly large number of armed men on each side, and take place in the air as well as on the ground". The Secretary-General added that, most serious of all, "regular army troops from both countries are now engaging in military actions along and across the line".

The fact that after seventeen years the Kashmir question, in which the Security Council has been for so long involved, has given rise to such an explosive situation is a matter for special concern to this Council. The fact that two great

nations should be engaged in such a conflict is a mother of anxiety to the whole world. Surely we all now have one overriding and imperative and most urgent first duty : that is, to exert every effort and every influence and every pressure to bring the fighting to an end. That is the obvious and immediate purpose and obligation.

We have always believed that the Kashmir problem must be solved if there is to be peace and stability in the sub-continent. That is still our view. But we also believe that the problem can be solved only by peaceful negotiation and not by force. We earnestly hope that the present situation can be resolved in a manner which makes resumption of such negotiations possible.

Whatever the individual views of members of the Council on the substance or the history of the Kashmir dispute, surely all of us must now concentrate all our endeavours on that one aim : the aim of convincing both countries that continued fighting can bring only disastrous consequences to all directly concerned and to the whole sub-continent and also to the cause of international security.

We should in this Council act quickly. We should speak with one voice. We should make our call for an end to the conflict unanimous and unmistakable. In doing so we shall be speaking with the true voice of the United Nations.

We are sure that our purpose of stopping the fighting is in the interests of both India and Pakistan, and we trust that the two Governments will respect and heed an appeal which, it is not too much to say, carries with it the wishes and hopes of people through-out the world. We trust too that they will recognize that we act, and must act, in accordance with the needs of international peace and security, which under the Charter we are all charged to maintain.

We entirely endorse the actions which have already been taken by the Secretary-General, and we shall continue to give him every support. In particular, we are grateful to him for making out the steps required to restore the cease-fire. That he did in the most earnest and eloquent appeal which he addressed to the President of Pakistan and the Prime Minister

of India three days ago.

My Government immediately supported that appeal and made the following statement :

"The British Government have been following with close attention and considerable anxiety the development of the situation in Kashmir. They wholeheartedly support the appeal made by the United Nations Secretary-General to both sides in the dispute to agree to an immediate cease-fire and to respect the cease-fire agreement which both entered into in 1949."

You, Mr. President, at once publicly expressed your country's full endorsement of the Secretary-General's appeal. Now is the time for the Security Council to take the lead in rallying support behind the Secretary-General's initiative.

My Government is ready now and will remain anxious to support any action this Council may now decide to take for the immediate purposes which the Secretary-General has declared.

It is with those considerations in mind, therefore, that my delegation approaches the draft resolution submitted by Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. It seems to me that the draft resolution contains the essential elements of the action which today, in immediate support of the steps taken by the Secretary-General, this Council is in duty bound to take. I hope that we shall all be able rapidly to agree to make the call for a cease-fire, as is proposed in the draft resolution.

**209. Text of the Speech made by Mr. Rifa'i (Jordan)
in the Security Council Meeting No. 1237 held on
4 September 1965**

Before I speak briefly, for the time being, on the question before the Security Council today, I should like to welcome you, Mr. President, as an outstanding representative of your country. Your first appearance in this Council as the representative of the United States of America coincides with your

presiding over our meetings for the current month. This dignified advent is in keeping with the high office which you have just left and with the distinguished position which you are just assuming. You come from the highest judicial body in your country, where right and justice reign supreme, to the highest international body, where right and justice in the relations among nations must be the basic pillars of peace. I sincerely hope that the success which accompanied you in your past career will continue to be with you in the tasks ahead.

Just as members of the Council have followed with deep concern the recent armed clashes in Kashmir, the efforts of the Secretary-General to halt those dangerous activities have also been followed with special appreciation. In recognition of his valuable contributions to the cause of peace, it should be said that our Secretary-General is shouldering with devotion and perseverance much of the heavy tasks in the maintenance of international peace.

It is therefore quite appropriate that, in their turn, members of the Security Council should feel called upon to meet and consider a situation as dangerous to international peace and security as the one before us today. It is most unfortunate to see that force of arms has become the spoken language between two great nations that belong to the same continent and share the heavy responsibility of protecting peace in the great continent of Asia. With both those nations my people and country have most cordial relations and strong ties, and we cherish the same ideals and serve the same principles as they do.

We therefore regret to see that the cease-fire line in Kashmir has been opened to wide and expanding armed conflict. Yet we know that this thin barrier cannot continue to resist the pressure of the political weight in the underlying factors and interests of both nations. Nor can it last long in providing hope and patience in a demanding situation. Our duty now, as the Security Council, is to see to it that the cease-fire established between India and Pakistan in Kashmir is respected and strictly observed. But such a protection against damage cannot always be guaranteed by the repetition of

appeals and pronouncements whenever the cease-fire is in jeopardy. It needs, first and foremost, a strong conviction on the part of the disputing forces that the political problem between them must be settled peacefully and with due regard for the claims, resolutions and agreements pertaining to the question. And here the Security Council should charge itself with the task of assisting the Governments of India and Pakistan in the effort to resolve the fundamental question which has been a source of trouble between the two countries for eighteen years and which, furthermore, has in the course of the years acquired additional weight, to the extent that it has become an influential factor in the attitude of both Powers in international politics.

In the opinion of my delegation, the present meetings of the Security Council should yield positive results. To meet the immediate requirement, the Council should call on India and Pakistan to halt forthwith their armed clashes and return, each of them, to the original position on its side of the line. That requirement has indeed been met in the draft resolution just introduced by the representative of Malaysia. Once this purpose of a cessation of armed hostilities has been achieved, it should be followed by a serious attempt on the part of the Security Council to look into the wider and basic aspects of matter.

As regards the present regrettable state of events, we wish to take note of the important report of the Secretary-General on the current situation in Kashmir, and we trust that the Secretary-General will continue, as he always does, to enable us to be promptly informed of the developments in the situation.

**210. Text of the Speech made by Mr. Morozov
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1237
held on 4 September 1965**

The Security Council has before it the question of the armed conflict which has arisen between two neighbouring Members of the United Nations. In the Indian State of Jammu

and Kashmir there is the sound of gunfire, blood is being shed, and events are taking place which arouse the serious concern of all peace-loving people.

In view of our feelings of sympathy and friendship for the peoples of India and Pakistan, we cannot remain indifferent to the sufferings of the peaceful inhabitants of Kashmir and to the worsening of relations between the two States.

As we all know, there are substantial differences of opinion between Pakistan and India on the question of Kashmir. Unfortunately, many new States have to deal with the legacy left by the departing colonialists—the evil legacy of the well-known colonialist policy of dividing peoples and sowing enmity between them.

My delegation, at previous meetings of the Council devoted to this question, has repeatedly pointed out that the tension between these two important Asian States over Kashmir is one of the grim legacies of colonialism. The imperialists have always tried to use the Kashmir question to stir up quarrels between the peoples of India and Pakistan, to set them against each other now they have freed themselves from colonial bondage, to undermine their solidarity, to aggravate international relations and exploit the situation thus created for their own selfish purposes, and to create in Asia yet another hotbed of tension.

It goes without saying that the conflict in Kashmir can benefit neither side : neither India nor Pakistan. Engaged as they are in the great task of developing their national economies, the peoples of India and Pakistan have a stake in peace and friendship with all countries, in friendship with each other.

The people of the Soviet Union are sincere friends of the peoples of India and Pakistan. That is why they are concerned over the bloodshed in Kashmir and the armed conflict between these two neighbouring States.

The Soviet Union has, of course, traditionally been a friend of India. We have high esteem for India's adherence to the policy of non-alignment and to the principles of peaceful coexistence between States. The Soviet Union supports the

Indian people's courageous struggle against colonialism.

The strengthening of the ties uniting the Soviet Union and Pakistan is part of my Government's general policy directed towards safeguarding peace in Asia and throughout the world.

In pursuing a policy of peaceful coexistence, the Soviet Union at times supports the settlement of disputes through negotiations and by peaceful means. It should be pointed out that India and Pakistan have already shown willingness to adopt that course with a view to establishing good-neighbourly relations. In June of this year, for example, they concluded an agreement for a cease-fire in the Rann of Kutch. In doing so, both sides showed the greatest common sense, restraint and patience.

We consider it necessary to point out that any further exacerbation of the conflict in Kashmir might further aggravate tension on the Asian continent. That is why at this time we should like to express our confidence that, above all, India and Pakistan themselves will find a way to put an immediate end to the bloodshed in Kashmir and to halt his conflict. The two neighbouring States must resolve the outstanding issues between them by peaceful means, with due regard for their mutual interests.

It is to be hoped that a cessation of the armed conflict will in turn gradually lead to the establishment of mutual understanding and co-operation between India and Pakistan. In the opinion of my delegation, settlement of the conflict in Kashmir would be an important contribution to the maintenance of peace.

**211. Text of the Speech made by Mr. Aka (Ivory Coast) in the Security Council Meeting
No. 1237 held on 4 September 1965**

We have before us the report of the Secretary-General dated 3 September 1965. This document is particularly disturbing because of the light it sheds on the development of certain events in Kashmir which we have been following in

the past few weeks. Not only Press reports, but statements from official sources clearly confirm, as indicated in the Secretary-General's report, the seriousness of the situation in that part of the world, where the intensity of certain military operations on land and in the air are a manifestation not only of the threat of force, which is already prohibited by the Charter, but of the undeniable use of force between two great nations.

Many communications, much information, including denials and accusations, have reached us since the cease-fire was broken in Kashmir. My Government, which attributes great value to negotiation and to the need for all Member States to settle their disputes by peaceful means, cannot emphasize too strongly how vain and transient are solutions achieved by force. At this moment, when blood is being shed in Kashmir and innocent people, women and children are meeting sudden death in the horror of war, my Government believes that it is imperative for the Council to do what it has done in other circumstances to bring about peace and that is why we have been instructed to co-sponsor the draft resolution submitted to the Council by Malaysia. We hope that the draft resolution will be adopted.

212. Text of the Speech made by the President

Mr. Arthur J. Goldberg as representative
of the United States of America in the
Security Council Meeting No 1237
held on 4 September 1965

As no other members of the Security Council wish to speak, I shall now speak as the representative of the United States of America.

I speak for my Government in total support of the draft resolution submitted by Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. I should like to compliment the sponsors for drafting a resolution which represents, as is apparent from the discussion here this afternoon and now tonight, the overwhelming sentiment of the members of the Security Council,

We are meeting here, as is apparent, in a spirit of grave concern for peace on the Asian subcontinent. The reverberations of fighting between the forces of India and Pakistan are reaching us in increasing volume. As the Secretary-General has reported so well and so objectively, the cease-fire has been broken and there have been serious breaches of the cease-fire line in Jammu and Kashmir. Armed personnel as well as military units of the regular forces of both India and Pakistan have now crossed the cease-fire line established by agreement on 27 July 1949. I shall not attempt to recapitulate the facts, which have been set out in the report of the Secretary-General, but shall only share his concern for future peace between India and Pakistan.

The United States, and, as has been made evident here today, all other members of this Council, have viewed these events with the greatest apprehension and concern. Since the birth of India and Pakistan, my Government has developed close and friendly relations with their Governments, relations which we wish with all sincerity to continue. The people of the United States have many ties based on friendship, common interest, and shared goals with the peoples of both India and Pakistan. These are expressed not only in the broad programmes which my Government has pursued, and is pursuing, to assist the development and security of these countries, but also in the form of many non-governmental exchanges and programmes, particularly in the fields of health, education and economic development. We know intimately from our close relations with both countries the intricacies of the underlying problem which is at the root of today's conflict, a problem which has been emphasized in the discussions which have taken place here today.

The immediate task at hand, however, is the cessation of a conflict, which unfortunately has been threatening since early 1965. All of us here today—Governments and individuals—have been watching with apprehension the upward trend in the temperature in this area on the subcontinent during the past year. All the world breathed a little easier when in June the very dangerous crisis which had developed over the Rann of

Kutch was overcome through the wise statesmanship of the Governments of Pakistan and India and the skilful good offices of the Government of the United Kingdom. The respite, unhappily, was all too brief.

It was emphasized, in the comprehensive and carefully prepared report of the Secretary-General of 3 September, that there has been a disturbing increase in both the number and scale of incidents in the area of the cease-fire line in Kashmir since early 1965—violations of the agreement, signed by representatives of both Governments on 27 July 1949, which established the cease-fire line. In June, the Secretary-General, persevering as he does, was able through quiet persuasion to effect a solution of the threatening situation in the Kargil area—a very great contribution in the cause of international peace and security.

As noted in the report of the Secretary-General, the tempo of incidents rose again in early August. I shall not recount those incidents; they are fully and, I think, objectively reported in this report and in the details submitted to the Secretary-General by General Nimmo, Chief of the United Nations Military Observer Group.

As indicated in the report, the Secretary-General has, since early August, been endeavouring persistently and through quiet diplomacy to promote a restoration of calm and respect of the cease-fire. In his report to the Council, the Secretary-General sets forth a number of conditions which he considers pre-requisite to a restoration of the cease-fire. In his telegrams of 1 September to President Ayub Khan and Prime Minister Shastri, appealing to both leaders to respect the cease-fire agreement, the Secretary-General again outlines these conditions. They are, in the view of my Government, both sound and reasonable and they are, in effect, endorsed by the cease-fire request made in the draft resolution.

I should like to point out that co-operation with the military observers, which is one of the Secretary-General's proposals, must mean full freedom of movement and access for the observers in the discharge of their functions. These functions are to observe and report any violation of the cease-fire

and the cease-fire line and to supervise the cease-fire order. This clear supervisory function of the military observers derives from the terms of the resolution of 13 August 1948 of the United Nations Commission on India and Pakistan, part I of which was the basis for the cease-fire of 1 January 1949, which, in turn, is endorsed in the Karachi Agreement of 27 July 1949, establishing the cease-fire line. Paragraph D of part I of this resolution reads :

"In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order."

It is clear that all the conditions enumerated by the Secretary-General in his appeal are pre-requisite to an effective cease-fire, which the draft resolution before us endorses.

When the Secretary-General's appeal to President Ayub Khan and Prime Minister Shastri was made public, I immediately announced, with the authority of President Johnson, my Government's complete endorsement of that appeal. I have the authority from the President to reiterate that endorsement here today. It is all too clear that the latest developments in Kashmir bear tragic witness to the imperative need for an immediate cease-fire. I do not think I need point out, after what has been said here today, the devastating consequences a war between India and Pakistan would have on the peoples of the subcontinent and I dare say on the entire world.

The world has been privileged to witness the remarkable economic and social progress of these two great countries in behalf of their peoples, and many of the nations represented in this Council have been able to contribute to this process. It ought to continue, under conditions of peace, in the interests of the inhabitants of both countries. It would be an unthinkable tragedy should these great achievements, past and present—and future—be annulled by a failure to end the current fighting promptly and firmly. I profoundly believe that this Council can do no less than give its fullest support to the appeal of the

Secretary-General and to the draft resolution just submitted by my colleague from Malaysia speaking on behalf of representatives and nations which participated in the drafting of this text.

Moreover, my Government believes that it is of the highest importance to the cause of world peace and security, and indeed to the cause of the Charter, which is dedicated to these great principles, that the Security Council must clearly and unequivocally place its great authority behind these grave appeals, and we party that the parties involved will hear our voices and draw back from the catastrophe which threatens all of them. The first to them, and to the world, of their failure to do so would be beyond any measure that any of us here today could even contemplate.

**213. Text of the Speech made by Mr. Seydoux
(France) in the Security Council Meeting
No. 1237 held on 4 September 1965**

I apologize, Mr. President, for taking the floor at this late hour, but I must convey to you the French delegation's deep satisfaction on seeing you take your seat today at the head of the United States delegation. There can be no doubt that the Council will, benefit enormously by the abilities which you have so amply demonstrated in the course of an exceptionally brilliant career.

The French delegation voted in favour of the draft resolution just adopted by the Council because that resolution, submitted by Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay, meets the immediate requirements of a situation with which we are all deeply concerned. We are unanimous in our desire that the fighting should stop, that the cease-fire line should be strictly observed from now on, that the work of the United Nations observers should not be impeded, and that the Secretary-General, whose patient efforts since the beginning of the crisis deserve our gratitude, should continue to follow events and report to us.

The French delegation is not unaware that these are

only emergency measures and that the problem of the root cause of the present crisis remains intact. However, in view of the fact that blood is being shed in Kashmir and that any prolongation of hostilities would greatly jeopardize peace in a whole region of the world, these emergency measures are an essential preliminary to the more basic examinations which the Council will later decide to undertake.

Thus, the resolution adopted today does not, in our opinion, prejudice the Council's future attitude towards the contradictory positions held by India and Pakistan with regard to the true nature of the present conflict.

**214. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1237 held on 4 September 1965**

It is rather unusual for one of the sponsors of a draft resolution to want to explain his vote; but, if you will permit me, I would like to offer a brief comment on the statement made by the representative of Pakistan with regard to what he thought were errors of fact that had been allowed to creep into this resolution.

The second preambular paragraph refers to having heard the statements of the representatives of India and Pakistan, and he thought it was rather singular that we should have used the plural. But I wish to remind him that all that we say here is that we heard the statement that the representative of Pakistan made. That statement was that he reserved the right to make a fuller statement on the vital positions in the political context of the conflict between India and Pakistan on a later occasion. He also said that he repudiated everything that was said by the representative of India. Without meaning to be derogatory either to the representative of India or to the representative of Pakistan, I may say that what had been said by the representative of India was no more relevant to this resolution than what had not been said by the representative of Pakistan. They were both concerned with the situation as it occurred. Until we have heard either the representative of India or the

representative of Pakistan deny the facts as they have been portrayed in detail in the report of the Secretary-General, the draft resolution that we presented and that has been unanimously accepted has the soundest foundation that any resolution could have.

**215. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1238 held on 6 September 1965**

I am privileged—it is rather melancholic privilege—once again to introduce a draft resolution sponsored by Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay [S/6662].

The formulation of this draft resolution is the result of many hours of efforts not only to express the ideas relevant to the immediate developments; but also to find the proper words to describe them accurately.

We apologize for having made it necessary for the President to convoke this meeting after the hour originally fixed for our meeting this afternoon.

As I said at the 1237th meeting of the Council, when I introduced the previous draft resolution calling for a cease-fire, no words of mine are required to elucidate or explain any of the terms of the present text. They are plain as plain can be. I wish to emphasize once more—since fears and doubts have been expressed that this text or resolution 209 (1965) might presuppose acceptance of a certain political attitude on one side or the other—that this draft resolution, too, makes no findings, produces no judgements, on the basic issues which, unfortunately and tragically, have bedeviled the relations between the sister countries of India and Pakistan.

If this draft resolution proceeds on any findings at all, it proceeds on two undeniable facts: first, the Security Council is still waiting for some hopeful or helpful response to its appeal for a cease-fire and, secondly, the conflict is obviously expanding and spreading. This draft resolution, therefore, merely decides that the Security Council, being naturally

concerned with the serious developments, is anxious to do something and to do it at once to give effect to its own resolution, so that this bloody conflict is halted and does not spread.

It throws, we realize, on the shoulders of the Secretary-General, burdened and bent as he is with the numerous problems of a strife-prone world, the additional burden of bringing some calm to this distracted area of the world, which has continuously lived under the shadows of war and conflict for eighteen long years. I am sure, as we all are, that he will find the means to give prompt effects to our draft resolution. If there is anyone who can find such means, he alone can—and, if I may say so, I am confident he alone will.

I commend this draft resolution to my colleague, and I have no doubt that it will receive the same unanimous support that the previous resolution did.

**216. Text of the Speech made by Lord Caradon
(United Kingdom) in the Security Council
Meeting No. 1238 held on
6 September 1965**

When we have received the reports which have come to us today, and indeed when we have heard the speeches to which we have listened today, it is unnecessary to emphasize the great dangers which arise from the extremely grave and serious situation which is presented before us. I believe that it would be the wish of all members that we should at this stage limit our comments to giving the Secretary-General our warmest good wishes for the effort which he is now undertaking.

I am sure that every one of us hopes and trusts that both the great nations involved in this conflict will respect the authority of the Security Council and will heed the call which the Council has already unanimously made. We pray that they may do so before it is too late. We urge with all the force at our command that they should give the Secretary-General the fullest possible co-operation. Meanwhile, I am sure all of us will be determined to refrain from any action likely to aggravate the dangerous situation in any way.

It is with that intention and with that confidence and with a sense of the utmost urgency of the need for further action that, speaking for my Government, we have supported the draft resolution which was introduced today in the names of Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. If I may, I should like very respectfully to congratulate the representatives of those countries for having led us to the conclusion which we have reached this evening. I should not like to make any distinction, but perhaps it would be the wish of those whom I have mentioned that I should pay a special tribute to the representative of Malaysia for the contribution he has made. Not only on this occasion but on the other occasion, he has shown us a leadership which we all respect.

Finally, I am sure that we all wish to join in wishing the Secretary-General well as he embarks on this great adventure in the cause of conciliation and peace.

**217. Text of the Speech made by the President
Mr. Arthur J. Goldberg (United States
of America) in the Security Council
Meeting No. 1239 held
on 17 September 1965**

May I, on behalf of the Security Council, welcome the Ministers and high officials of both India and Pakistan who have joined their delegations here today. It will, I am sure, be my pleasure in the course of our discussion of the matter before us formally to introduce the Ministers to the members of the Council. Gentlemen, you are welcome here today.

In my closing statement as President of the Security Council at our last meeting, I stressed the fearful potential in the current conflict between India and Pakistan. Since then, substantial military operations have continued, although the Council adopted two forthright and unanimous calls for a cease-fire.

In spite of the hazards intrinsic in this situation, the Secretary-General travelled promptly to the subcontinent to

give effect to the mandate given to him by the Security Council in its resolution 210 (1965) of 6 September 1965, and exerted every possible effort to give effect both to that resolution and resolution 209 (1965) of 4 September 1965, to take all possible measures to strengthen the United Nations Military Observer Group in India and Pakistan (UNMOGIP) and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area.

You have all, I am sure, read, from the preliminary report of the Secretary-General [S/6683] and from newspaper accounts, of the intensive and arduous efforts of the Secretary-General in carrying out the mandate of this Council. And I understand that today the Secretary-General will give us a further assessment of his trip.

Again I know that I speak for all the members of the Council when I welcome the Secretary-General back from his mission of peace, on which he carried with him not only the resolutions of the Council, but also the good will, the hopes and the prayers of all people everywhere.

In light of the return of the Secretary-General yesterday, I suggested our meeting today in spite of the short space of time we have had in which to examine the preliminary report of the Secretary-General. I believe that the urgency of the situation requires us to lose no time in our deliberations on this matter, I consulted with members of the Council, who were of one mind : that we should promptly reconvene to hear the Secretary-General's important report. Accordingly, I now recognize the Secretary-General.

**218. Text of the Speech made by the Secretary-General
in the Security Council Meeting No. 1239
held on 17 September 1965**

In my preliminary report [S/6683] on my mission to India and Pakistan in pursuit of the mandate given to me by the Council in its resolution 210 (1965) of 6 September 1965, I informed the Council of my formal approaches to the two Governments and of the replies I had received from them. I

now wish to advise the Council briefly of the views that I have formed as a result of my talks with the Governments of India and Pakistan.

In the course of my talks with Prime Minister Shastri, President Ayub Khan and their colleagues, I had the opportunity to hear from both sides a detailed exposition of their views on the present critical situation which has developed over Kashmir. I also requested, and received from both sides, aide-memoirs on their positions and views. Since the Council obviously wished me to report to it as soon as possible after my return, I have thought it best—having reached New York at 3.15 p.m. on Thursday, 16 September—to confine myself at this time to relatively brief report on the impressions and conclusions I have formed during my mission. I have also thought it best at this time not to give a detailed expose of the views of the two Governments as expressed to me, since the replies of Prime Minister Shastri and President Ayub Khan to my message of 12 September 1965, contained in my above-mentioned preliminary report to the Council, give an official summary of the positions of the two Governments on the Security Council's call and on my own appeals for a cease-fire.

The following brief account of my own observations of the present situation will serve as a prelude to certain thoughts which may, I hope, be helpful to the Council in its further consideration of this critical situation. In this tragic war two closely associated nations find themselves locked in a destructive struggle. Regardless of the merits of the case, the present situation is crippling and potentially disastrous for both nations. Each nation feels that it has been abused by the other, and each is convinced that the other has committed aggression. In common they have a feeling of having been let down to some extent by their allies and by the United Nations, whose Members, for the most part, watch in bewilderment and anxiety the spectacle of two sister nations, with both of which many countries have close links, engaged in fratricidal struggle.

Inherent in this situation are all of the phenomena—the aroused emotions, misunderstandings, long-pent-up resentments, suspicions, fears, frustrated aspirations and heightened

national feelings—which throughout history have led to needless and futile wars. These are factors which also make it difficult for the leaders on both sides to respond to the unconditional cease-fire appeals of the Security Council. The present war is clearly to the ultimate disadvantage of both nations and can bring no lasting good to either. Both countries have vast economic and social problems which they have been facing courageously and with considerable success. The war will slow down, or even bring to a halt, these vital efforts towards economic and social development.

The present crisis has inevitably served to harden even further the previous positions taken by the two Governments, since both find it impossible to make concessions under the threat of force. Each has the feeling that only outside support has made it possible for the other to commit what it believes to be aggression.

The Security Council is thus faced with a paradoxical situation. It has passed urgently and unanimously two resolutions [resolutions 209 (1965) and 210 (1965)] requiring an immediate cessation of hostilities. It has authorized me to exert every possible effort to give effect to these resolutions. Before and during my mission, I have received messages of support and offers of assistance from leaders in all parts of the world. Both sides have expressed their desire for a cease-fire and a cessation of hostilities in the entire area of the current conflict. Nevertheless, up to now, I have not succeeded in securing an effective practical measures of compliance by the two sides with the Security Council's resolutions.

What further course of action may be open to the Security Council? In older and less interdependent times, the international community could perhaps have now washed its hands of the matter, leaving the parties to fight it out, heedless of the ruin which such a course must certainly bring to millions of innocent people in both countries. Such a course of action is inconceivable today. Moreover, it is not only the fate of the peoples of India and Pakistan which is at stake. Both States are linked in a peculiarly intricate way with the mainstream of world affairs. The very unanimity of the Security

Council on this matter and the direct appeals from so many Governments are indications of how serious a threat this crisis poses to world peace. Quite apart from the well-being of the two nations concerned, there can be little doubt that a real danger to world peace is now imminent.

Before advancing some ideas, I feel that I should also state my own views about the role of the United Nations, and of the Security Council in particular, in the present crisis. The Council is faced, as I have said, with a situation of the greatest difficulty and complexity. It has acted with both speed and unanimity. If success has not yet been achieved in securing compliance with the Council's resolutions, that is all the more reason for making further strenuous efforts for a cease-fire as well as for long-term solutions. I feel strongly that in this situation, when the hopes of the world are focused on the Security Council, which has the primary responsibility under the Charter for maintaining international peace and security, the Council faces not only an exceptionally difficult task but also a rare opportunity to show that peace can be restored and international harmony promoted by the concerted efforts of the international community. In saying this I am thinking not only of the well-being and future of the Governments and peoples of India and Pakistan, but also of the hopes of mankind for a more peaceful world which are centred on the United Nations.

With the above impressions in mind, and being convinced—as I stated in my second message to the two Heads of Government on 14 September [see S/6683, para. 10] and in my statement at the airport in New Delhi on my departure for New York—of the fundamental desire of both parties to end the fighting, I am taking the liberty of expressing the following thoughts in the hope that they may be helpful to the Council and to the two Governments themselves in facing the immediate necessity of obtaining an effective cease-fire.

First, the Security Council might now do what it has done once before, and successfully, in another dangerous conflict situation: it could order the two Governments concerned, pursuant to Article 40 of the Charter of the United

Nations, to desist from further hostile military action and to this end to issue cease-fire orders to their military forces. The Council might also declare that failure by the Governments concerned to comply with this order would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter.

Second, the Security Council may wish to consider what assistance it might provide in ensuring the observance of the cease-fire.

Third, Security Council resolution 210 (1965) of 6 September also calls for a prompt withdrawal of all armed personnel to the positions held by them before 5 August 1965, and the Council may wish to study means of assisting in the carrying out of this requirement.

Fourth, the Council could request the two Heads of Government to meet together at the earliest possible time to discuss the current situation and the problems underlying it as a first step in resolving the outstanding differences between their two countries and in reaching an honourable and equitable settlement. Such a meeting might take place in a country friendly and acceptable to both. In this connexion, I might draw the attention of the Council to my message of 15 September to Prime Minister Sharti and President Ayub Khan, the text of which is set forth in my preliminary report [*Ibid.*, para. 13]. The Council could also consider the possibility of creating and making available a small committee to assist in such talks should its services seem useful and desirable to the two parties.

Fifth and finally, I may again assure the Council of my availability and of my desire to continue to be of assistance in this matter in any way which may commend itself to the Council and to the two Governments.

Since Security Council resolution 210 (1965) also requested me to take all possible measures to strengthen UNMOGIP, I wish to inform the Council that, as a matter of course, I had consultations with Lieutenant-General R. H. Nimmo, the Chief Military Observer, during my mission. While in the present situation the role of UNMOGIP is obviously more

difficult than usual, I have benefited much from the knowledge and experience of General Nimmo. I have taken immediate steps to obtain extra transport and communications equipment to facilitate the task of UNMOGIP. I have also made provisional arrangements to increase the number of military observers at short notice, should developments make this increase necessary.

In its resolution 210 (1965) the Security Council asked me to keep it informed on the situation in the area. The military situation is covered in a separate report [S/6687].

I would not wish to let this occasion pass without expressing my warm appreciation and gratitude to the many statesmen and Governments from whom I have received, both before and during my mission to India and Pakistan, messages of support and encouragement as well as practical measures of assistance.

Finally, I wish to express my appreciation to the Governments of India and Pakistan both for their kindness and hospitality to me and my party and for their frankness and helpfulness in their talks with me. I hope and believe that these talks will eventually contribute to a peaceful solution of the present crisis.

**219. Text of the Speech made by Mr. Rifa'i (Jordan)
in the Security Council Meeting No. 1239
held on 17 September 1965**

After having listened to the highly important statement of the Secretary-General at today's meeting and to the weighty ideas which he introduced, I would prefer, with your consent, to make my statement at the next meeting of the Council, which you may wish, Mr. President, to convene soon. However, since I am taking the floor—and with my apologies to the members of the Council for this short prolongation of this meeting—I feel in duty bound to clarify one point which was brought up by the representative of India in the statement he has just made. I do so because the point raised is related to the meaning of Security Council resolution 210 (1965) and because I notice that the representative of India has attached

special significance to it.

I understood him to have interpreted the date of 5 August 1965 contained in Council resolution 210 (1965), as signifying the beginning of what he called aggression by Pakistan against India. Inasmuch as such an interpretation reflects on the intentions of the authors of the said resolution, my delegation cannot subscribe to it. Having had the privilege of taking part in the consultations and discussions which brought about the text of that resolution, I feel that I am in a position to say that the meaning suggested by the representative of India does not represent the understanding of my delegation as one of the authors of the said resolution. The date of 5 August was intended merely to be an indication regarding the lines behind which the armed forces of both India and Pakistan were asked to withdraw. It was not meant to pass judgement on the claim of infiltration or to establish a fact in this regard.

At the last two meetings, the members of the Council never discussed at any length the question of infiltration. Furthermore, time did not allow us to discuss more serious developments, such as the armed operations against the international boundaries of Pakistan.

As the Secretary-General stated in his report the events since 5 August consisted "of a large number of violations of the cease-fire line by crossings of the line, by firing across it with artillery pieces, and by the occupation of position on the wrong side of the line" [S/6651, para. 5].

Prior to those events there were also similar violations and more serious events. In the same report, the Secretary-General stated :

"Among the most serious of the violations was one that occurred in May of this year when Indian troops in battalion strength attacked and captured Pakistan positions in the Kargil area of Kashmir and remained in occupation of them. In the interest of preserving the cease-fire line, I appealed to the Government of India to withdraw its troops from the Pakistan side of the line." [*Ibid.*, para. 4].

That chain of events could also be traced back to the beginning of 1965. Regarding violations committed up to mid-June, the Secretary-General said that some "took the form of heavy and prolonged firing' from weapons up to the calibre of field artillery" [*Ibid.*].

I should add that the date 5 August was introduced after a thorough and considerable discussion, as a substitute for an earlier text of the draft resolution which called on India and Pakistan to withdraw their armed personnel behind the cease-fire line and the international boundary. It was for the sake of accommodating the position of all members around this table—without going into details—that the mentioning of this date was thought to serve the purpose of defining the lines in question.

I wish further to add that the draft resolution [S/6662] was introduced to the Council without any explanations. I recall with special appreciation the words of my friend and colleague Mr. Ramani, representative of Malaysia, when he introduced the draft resolution. He said :

"If this draft resolution proceeds on any findings at all, it proceeds on two undeniable facts : first, the Security Council is still waiting for some hopeful or helpful response to its appeal for a cease-fire and, secondly, the conflict is obviously expanding and spreading. This draft resolution, therefore, merely decides that the Security Council, being naturally concerned with the serious developments, is anxious to do something and to it at once to give effect to its own resolution, so that this bloody conflict is halted and does not spread." [1238th meeting, para. 65].

I am making this clarification in fairness to the meaning of resolution 210 (1965).

**220. Text of the Speech made by the President Mr.
Arthur J. Goldberg as representative of United
States of America in the Security Council
Meeting No. 1239 held on
17 September 1965**

I have no other speakers inscribed for today. I should like to make a brief statement in my capacity as representative of the United States of America.

The United States enjoys, and hopes to continue to enjoy, friendly relations with both India and Pakistan. I should like to emphasize that we have suspended arms shipments to both countries, since we want, in support of the Security Council's resolution calling for a cease-fire, to help bring about an end to this conflict and not to escalate it. It is the sense of the Security Council's resolution that there be a prompt end and not an intensification of hostilities. We deplore the use in this conflict, in contravention of solemn agreements, of arms supplied by us.

The United States, along with all members of this Council, profoundly believes that the differences between India and Pakistan can be resolved—must be resolved—under conditions of peace. This is the stated objective of the Security Council, and has the Secretary-General has made clear in his report, it is his earnest hope and desire. We have supported the Security Council and the Secretary-General in this objective. We shall continue this support in pursuit of peace on the subcontinent.

This completes our business today, and in my capacity as President, I would merely wish to say that members of the Council, and indeed the entire world, will have taken note of the momentous statement made by the Secretary-General this morning. It is now incumbent upon this Council again to take up its responsibilities as the agency of the international community with primary responsibility for the maintenance of international peace and security.

The Secretary-General has warned us that a real danger to world peace is imminent as a result of the conflict on the

subcontinent. New and serious developments which have broadened the threat to the peace can only increase tension and complicate the peace-making efforts of the United Nations, the Security Council and the Secretary-General. We must therefore proceed with a sense of urgency and responsibility. My consultations with the members of the Security Council have indicated that we may best do this by proceeding, for the rest of today, through private consultations regarding the actions we must now take.

**221. Text of the Speech made by Mr. Rifa'i
(Jordan) in the Security Council Meeting
No. 1241 held on 18 September 1965**

We have come to an important stage in the debates of the Security Council on the question before us—more substantive in nature and, I hope, more productive.

At the 1237th and 1238th meetings of the Security Council, held respectively on 4 and 6 September, the discussions we held and the resolutions we adopted were of an emergency character. Most of the members tried to confine themselves to the question of maintaining a cease-fire on the demarcation lines in Kashmir and between India and Pakistan. Therefore, the debate did not go, as it normally should, into the fundamental political question of Kashmir; nor did it deal with any claims or counterclaims by the two parties to the dispute. Since then armed activities between the two nations have reached wider dimensions and rendered Security Council resolutions 209(1965) and 210(1965) of 4 and 6 September respectively a failure. Indeed, the question became no longer a violation of the cease-fire line but rather military operations across international border. The question, therefore, required a broader treatment.

We were disturbed at the fact that these activities were taking place at a time when the Secretary-General was undertaking his peace mission to the area and indeed during his visit to the two countries. The conclusion we draw from that reality is that efforts towards the enforcement of a cease-fire

can in no way be practical, nor can they yield positive results, if the basic issue is not squarely faced. That is why in all past resolutions and agreements related to a cease-fire between India and Pakistan the political issue, namely the right of self-determination of the people of Kashmir, was always emphasized side by side with a cease-fire. Special references could be made to Security Council resolution 47 (1948) of 21 April 1948 and the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, which resolutions were repeatedly reaffirmed in all subsequent decisions of the Council.

It follows that an enforcement of a cease-fire in such a way as to seal the basic issue would amount indeed to a political gain to one party and a loss to the other. Therefore it was easy for us to understand the difficulty which the efforts of the Secretary-General encountered when he went with a limited mandate to cope with a situation as grave as the one obtaining at present between India and Pakistan. Recognizing his devotion to the cause of peace, his integrity, his impartiality and his deep involvement in the problem—an involvement which stems from the responsibilities of his high office and from the fact that he is a faithful son of the Asian soil—recognizing all this, we felt that the political problem in the question of Kashmir weighed heavily on the practical implementation of a cease-fire. The Secretary-General correctly said, as he was about to leave on 7 September 1965 from Kennedy International Airport on his mission :

"I have no illusions about this mission : the issues are infinitely complicated and difficult and the situation out there is extremely grave.

"Kashmir has posed a baffling problem for the United Nations for seventeen years." [See S/6683, para 3.]

We therefore attached great importance to the efforts and accomplishments of the Secretary-General and to his talks with the two Governments of India and Pakistan. The preliminary report of the Secretary-General [S/6683] which he

made available at the time of his return to Headquarters is a valuable document which presents the official positions of both Governments in the present crisis. As I was reading the report of 16 September 1965, my admiration for the honesty and objectivity of U Thant was, as usual, at its highest. The Secretary-General addressed the two Governments of India and Pakistan in the letter and spirit of the Council's resolutions 209 (1965) and 210 (1965), adding to that his own faith in his mission of peace. His request and his endeavours were aimed at securing an immediate and unconditional cease-fire in the whole area. For this he worked and it was this he urged. The reaction of both Governments, however, did not correspond to his hopes. In his report of 16 September, he says :

"The replies from both Governments to my message of 12 September have shown clearly the desire of both for a cease-fire, but both pose conditions which make the acceptance of a cease-fire very difficult for the other side." [*Ibid.*, para. 13.]

In analysing the positions of the two Governments as stated in their official messages to the Secretary-General, one can conclude that India's conditions for a cease-fire could be summarized as follows : first, there must be no possibility of a recurrence of armed attack on India, open or disguised; second, a cease-fire should have no bearing on the political issue of Kashmir; and third, Kashmir is an integral part of India and falls under its sovereignty. These are the bases which constitute India's acceptance of a cease-fire and which India invites Pakistan to accept.

In direct opposition to this Indian stand is Pakistan's acceptance of a cease-fire which is qualified as follows : first, that the cease-fire must be purposeful ; second, that arrangements must be made for the final settlement of the Kashmir dispute, which is the root-cause of the India-Pakistan conflict ; and third, that the pledges to the people of Kashmir that they may choose their own destiny must be honoured and fulfilled.

Comparing these two sets of contradictory views, one fails to find any common ground on which the two parties

could meet or even be called to negotiate. My delegation wishes to stress in this regard, and as a general rule, the point that no direct discussions or negotiations between two parties can serve any positive purpose if there is no agreement on either the basis of such discussions or the objectives thereof. It is to our deep regret that this element of common understanding on the fundamental issue in the conflict is lacking between India and Pakistan. This regrettable but does not enable the members of the Security Council to cherish the hope that a settlement of the basic problem can be reached through direct talks between the two Governments. The Security Council should therefore itself turn its attention to the problem.

The Security Council will be prolonging the difficulties between India and Pakistan and perpetuating the dispute if it does not take serious and definite steps to resolve the question of Kashmir, which has proved to be the real cause of the unpleasant situation between the two sister States. I am afraid that we would be reducing the responsibilities of the United Nations to the minimum if we were to restrict them to the mere task of stopping the fighting. The responsibilities of the United Nations are much greater and much higher than this. The responsibilities of the United Nations are mainly directed towards the settlement of the disputes which are the causes of fighting among nations. If we are to live up to our duties in the maintenance of international peace and security, we must accept this fact.

The passing of time did not bury the question of Kashmir; on the contrary, it allowed the pressure of the years to create an explosive situation. This is the case with all other old, long-standing problems, where the blue waters we see are no more than a mirage. The Security Council must act not only for the sake of preserving peace between the two Asian nations, but even more for the purpose of suppressing the flame of war before it is blown by political winds in directions yet unknown. And if this fear is present in our minds—and it seems that it is—then let us look at matters from the right angle and let us act promptly before it is too late. Let us save the situation from falling into other hands.

The question of Kashmir is knocking heavily at the door of this Council. We are all called upon to propose practical means for its settlement : and in order to be practical, steady and correct in our proposals, we must uphold the principle of self-determination as it is embedded and reaffirmed in all past pronouncements of the Council on this problem. My delegation will not fail to join in any efforts in this Council aimed at serving this end. We have therefore noted with satisfaction the following remark of the Secretary-General in his report :

"I am sure also that the Council will wish to explore, as a matter of urgency, methods for achieving enduring peace between India and Pakistan." [*Ibid.*, para. 6].

The Secretary-General, in his unrelenting efforts to surmount the present acute crisis, has introduced to the Council in his report [S/6686] some ideas and has stated his own view. The general and deep concern at the situation between India and Pakistan, together with the fear that further serious developments might be underway, has preoccupied the minds of the members of the Security Council with what should be done to face the immediate necessities. I wish on behalf of my delegation to emphasize, in this regard, some essential points which determine our position in evaluating the appropriateness and effectiveness of any suggestions or proposals for meeting the situation.

First, the continuance of fighting must in no way be allowed and a cessation of hostilities must be enforced at once. Second, the immediate necessity for dealing with the crisis is part and parcel of the permanent necessity. Third, in order to give effect to its orders for a cease-fire, the Security Council must widen the base, not only increase the pressure.

We want, therefore, to proceed on the main road that leads to a clear destination, not on the sideways which lead to dead-ends.

**222. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1241 held on 18 September 1965**

Exactly fourteen long days passed since the Security Council was called to meet on the initiative of our President adopted resolution 209 (1965) of 4 September—an occasion of urgency reflected in the urgent and anxious language in which it was expressed. We had then asked for and hoped for a response within three days ; but even before half that short period had gone by we became gripped with the fear that the course of the war was accelerating in its insane speed and gave no promise of halting or abating. We therefore met again—again in circumstances of grave urgency—and within two days adopted resolution 210 (1965) and sent the Secretary-General on this most difficult of all the tasks to which he had in four long years lent the strength of his hand and the persuasive talent with which he is immeasurably endowed. I then praised his courage for the readiness with which he undertook the accomplishment of this exhausting task, which I then felt could be matched only by his personal characteristics and the exalted position to which he so significantly adds lustre. He has returned with empty hands but with courage undiminished and his hopes for a successful outcome by no means lessened. He deserves our gratitude to the fullest measure. "Certain great questions are put to mankind," said Tolstoy, "not that men should answer them but that they should keep on trying." We should therefore continue to hope till, as the poet puts it, hope creates from its own wreck the think it contemplates.

In a very real sense without mincing words, we cannot help but regard the situation at which the Security Council has arrived as a test of its ability to stand up to the exacting burdens of international life and justify the hopes that mankind have entrusted to it. If the Security Council can be balked, bent or beaten, there is no longer any hope for man in this pitiful world of ours. It is therefore our duty to give it the strength to face up to its present peril. But we must have a clear understanding of what we are about before we can decide

our course of action. The representative of Pakistan cautioned us only this morning, at our previous meeting, against advocates who, if they cannot convince, at least endeavour to confuse the judges; I entirely agree with him. We should not either confuse ourselves or, what is even better, allow ourselves to be confused.

The conflict between India and Pakistan over Kashmir has had a very long and chequered history. We listened to some parts of it when we last met ; we listened to more of it this morning. It is indeed almost as old as the United Nations. What is worse, it threatens to last as long as the United Nations is hopefully expected to last, that is, for ever. It is therefore quite easy without much ingenuity to plunge into its labyrinthine paths and bye lanes and satisfy one's predilection for the extremes of political polemics, and thus lose one's way. I venture to think that the present problem—I wish to repeat, the only one with which we in the present context are concerned—lies entirely within a small compass. It is capable of a clear and quick answer.

On 3 September the Secretary-General presented a report [S/6651]. It painted a picture of "the current situation in Kashmir" which jolted us into activity. Neither India nor Pakistan—we should bear this in mind—had asked for a meeting with a complaint in hand with regard to any political dispute which was gnawing at its mind. There was a sudden flare-up along the cease-fire line and you, Mr. President—rightly, if I may say so with respect—urgently called us into meeting. We were not concerned then with the simmering situation between India and Pakistan. It began simmering on that fateful day in August 1947 when one ancient country and one ancient people were cut into two unequal parts. It continues simmering to this day. It is most times quiescent: sometimes it bursts into flames as it did in August and September. Something suddenly went wrong on 5 August 1965.

May I digress here for a moment. My esteemed friend, the representative of Jordan, in a short intervention at the 1239th meeting, offered what he called a clarification to the significance which in the statement he made to us, the represen-

tative of India sought to attach to the date. He quoted me in support of his contention, and I wish to assure him and also to assure the Council that I stated by every word I said then. It is true indeed that we made no judgement on that occasion. We had taken no position on who committed aggression on whom nor indeed did I understand the representative of India to say that we had, by incorporating that date, judged one party as guilty of any misconduct. But—and this is a vital fact—the date is indeed of the greatest significance. I do not wish to mar by any words of mine this afternoon the very close and friendly personal relationship that the representative of Jordan, Mr. Rifa'i and myself have enjoyed over the years and the even more close and more affectional feelings that we have developed towards each other since we came to be seated at this Council. It was my good fortune that the arrangement of the English alphabet has made it possible for us to sit side by side. More than ever, speaking on this significant day—the last day Mr. Rifa'i will grace this table and add distinction to our company and the last day of my nine-month-long privilege to have been so closely associated with him, since he is leaving us tomorrow—more than ever, as I said, do I hesitate to enter into a controversy at all with him. But I am perfectly sure that he will agree with me that the date has a significance in the context of the Secretary-General's report : we, the sponsors of resolution 210 (1965), did not invent it for fun or choose it arbitrarily because we liked the look of it on a calendar. The date of 5 August is the vital date in this debate. It is in fact and in truth, the starting point in the long and sorry train of tragic events narrated by the Secretary-General in his report of 3 September [S/6651], which is, I repeat, the foundation of this debate.

The fifth of August as the vital date to this debate if referred to at least seven times in that report, and I crave the Council's indulgence to enumerate it.

First, the sub-heading above paragraph 5 is entitled :
 "Events since 5 August 1965."

Secondly, the opening sentence of paragraph 5 reads :

"The current serious trouble affecting the cease-fire and the cease-fire line in Kashmir dated from 5 August 1965..."

Thirdly, the concluding sentence of the same paragraph reads :

"The adequacy of the present number of observers and of their function may well be re-appraised in the light of experiences since 5 August."

Fourthly, the opening sentence of paragraph 6 begins :

"General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the cease-fire line from Pakistan side for the purpose of armed action on the Indian side."

Fifthly, part II of the same report is entitled :

"List of those incidents since 5 August 1965 which have been investigated by United Nations observers prior to 3 September 1965."

Sixthly, General Nimmo, on his letter transmitting that list said :

"This list comprises only incidents on which complaints have been submitted asserting violations of the cease-fire and the cease-fire line between 5 and 30 August 1965..."

Seventhly, and lastly, the list itself sets out the first and second incidents as those of 5 and 6 August.

I do not think I need say more. Nor will it be proper for me to lift the veil over the varied and various consultations that indeed did take place relating to the incorporating of it, the formulation of words in it, the omission of some and the inclusion of others, the dotting of the I's and the crossing of T's, the inspiration and perspiration behind the final form. That would provide good copy, but it would hardly be good diplomacy.

I now return to where I left off. In the remarks that I

propose to make, I do not wish it to be thought that I am more critical of the one side or less critical of the other. My country enjoys the most friendly relations with Pakistan as well as India and we are anxious that this relationship should continue and mature. For that reason alone I have guarded myself from accepting one version of what happened or another as proceeding from the two parties. But we are bound to accept the reports of the Secretary-General, beginning with the report of 3 September, which we know are unbiased, objective, impartial. I shall therefore confine myself in such comments as I may make to the statements contained in the reports and no other version of what one side or the other has alleged to have happened.

According to paragraph 6 of the Secretary-General's report [S/6651] of 3 September, General Nimmo, as a result of investigations and "in the light of the extensiveness and character of the raiding activities", reached the conclusion that large-scale infiltrations of heavily armed irregulars from Pakistan across the cease-fire line took place on 5 August and subsequent days. If one examines, as I have, the annotated list of incidents annexed to the Secretary-General's report, one finds that not until after the first eleven incidents, spaced within 5 August and 14 August, had occurred, each with increasing intensity and severity, did the Indian troops for the first time cross the cease-fire line and reoccupy the position northeast of Kargil, from which previously in May, upon the appeal of the Secretary-General, they had withdrawn.

In these eleven incidents there are to be found confirmations by General Nimmo's observers of attacks within the Indian side of the cease-fire line by large armed groups varying from forty and seventy to as many as "exceeding 1,000", leaving large quantities of arms with tell-tale markings. This could not go on with impunity and indeed provoked self-defensive reactions. Subsequently, the pace of the response kept in step with the pace of infiltration, until by the beginning of September everything went out of hand.

One realizes—none more than I do—that the Security Council is not a court of law. How I wish it were, if only to

a limited extent of requiring the rules of relevance being observed in debate. But it inevitably must function as a quasi-judicial body examining facts and weighting probabilities before it can make determinations and take decisions which are indeed judgement-making processes that fall within its sole competence. I would venture to suggest that from the Secretary-General's report, supported by the careful findings of General Nimmo as a part of it, one can only—and I say this with the deepest regret—reach the conclusion that the highly armed, well-trained and well-led infiltrators came from Pakistan's side of the cease-fire line.

We in our part of the world have been facing for over two years this kind of war—infiltration, subversion, sabotage—and we may speak with some large knowledge learnt in the hard school of experience. It is an exhausting, exasperating war where the initiative is forever with the aggressor, where the real casualties are not so much human bodies or valuable material, but the slow erosion of the steel, the determination, the will to fight, the will to stand firm in the face of odds, possessed by the passion to give one's all to save one's country.

Military pundits have calculated the defensive human costs of such operations in the ratio of at least ten to one. The art and science of this wearing, wearying, wasteful war have now been perfected in Asia. The peril of our times is the expansion, export and propagation of this kind of war into regions farther beyond, regions which are judged to be ripe for revolution. Today, however, Asia is its testing ground.

When the truth with regard to these infiltrations became known, Pakistan answered with vague details and claims that these are but the symptoms of an ancient malignancy and the Security Council should direct its mind and employ its energies in exterminating the root cause of all: the denial by India of a plebiscite in Kashmir, agreed to by India as long ago as 1948. This was repeated this morning at our previous meeting by the representative of Pakistan. This has been a time-honoured refrain.

I have referred to the chequered history of this ancient conflict, and were it relevant to the matter in debate I should

have felt compelled to address myself to it. But for the moment let me say only that it is claimed by India that it is capable of an answer as effective as it is complete. But I suggest that is not our task in this debate.

Pakistan has claimed that a cease-fire should be purposeful and should provide for a self-executing arrangement for the final settlement of the Kashmir dispute. The only "purpose" that I see in this argument is that the purpose of this infiltration was to provide Pakistan with a lever which at one stroke releases it from the obligation of November 1962 to engage in direct talks with India to settle all outstanding differences and enables it, at the same time, to return to the pre-1962 claim of nothing but a plebiscite in Kashmir. I must venture this thought : If a plebiscite or an undertaking to have one is to be regarded as an essential prerequisite for a cease-fire, the logic of that argument would commit the Security Council to have secured for a State the happy position of provoking a conflict so as to be able to secure a political profit from it.

I suggest that we take good care that the Security Council does not walk into any position of that kind. Our duty was and is plain. In resolutions 209 (1965) and 210 (1965) we called for a halt to hostilities—the sole concern, I repeat, in the present context of the Security Council. It is not to recall ancient resolutions from the musty records of the past, nor to express pious hopes for a peaceful settlement in the future, nor to get side-tracked from the main objective.

Far be it from me even remotely to give the impression of being critical of the Secretary-General. But I must confess I do share slightly the grievance expressed by the representative of India when he spoke to us at the 1239th meeting. Even as I read the Secretary-General's preliminary report of his visit to India and Pakistan, the terms of his second letter to Prime Minister Shastri and President Ayub Khan arrested my attention because they contained the following words :

"I note however, that both Governments, to their replies to my request for an unconditional cease-fire, have added conditions and qualifications upon which I

have no right under the Security Council resolutions to give firm undertakings." [See S/6683, para. 10].

The moment I read those words, I underlined the words "both Governments" and put a double query in the margin, as if to ask myself "How come?" Presumably the pattern of the letters lends itself to the view they were composed in identical terms to avoid obvious suggestions and difficulties. But the replies, quite patently, are not cast in the same terms. It was only fair that there should have been some indication of the essential difference between the ready willingness of the one and the reluctant response of the other.

But in Prime Minister Shastri's reply of 14 September, we find this statement :

"In deference to the wishes of the Security Council and to the appeals which we have received from many friendly countries, we accept your proposal for an immediate cease-fire. We would, therefore, be prepared to order a cease-fire effective from 6.30 a.m. Indian standard time, on Thursday, 16 September 1965, provided you confirm to me by 9 a.m. tomorrow that Pakistan is also agreeable to do so." [*Ibid.*, para. 8.]

This letter concludes with these two sentences :

"We sincerely hope that the forces of peace will win and that humanity will go forward towards ever increasing progress and prosperity. It is in this spirit that we are agreeing to your proposal for a cease-fire." [*Ibid.*]

It is therefore entirely understandable that in a reply couched in the politest terms a note of incredulity can be detected in Prime Minister Shastri's second letter. In the report the Secretary-General sets out the reply that he received from Prime Minister Shastri on 15 September :

"Thank you for your message of 14 September, which was conveyed to me late last night.

"You have said that you cannot give any undertakings.

I fully appreciate and understand this and in fact I did not ask you for any. It was, however, essential for us to state clearly our stand in regard to certain matters which are of vital importance to us.

"I reaffirm my willingness, as communicated, to order a simple cease-fire and cessation of hostilities as proposed by you . . .", [*Ibid.*, para. 11].

I regret, with the utmost deference, that I cannot agree with or accept the analysis of this correspondence made at the previous meeting by the representative of Pakistan when he gallantly tried to graft on to an unconditional acceptance a series of conditions that are not there.

I pass on to another aspect of the reports. This readiness and willingness—as I read it in the correspondence—of India, to my judgement, contrasts strangely with the consistently unhelpful attitude of Pakistan. I now go back to the first report that was circulated to the Council [S/6651]. In that report there is a chapter entitled "Efforts of the Secretary-General". With the indulgence of the Council, I should like to read out paragraphs 9 and 10 of the report by the Secretary-General :

"On the morning of 9 August 1965, a cable was received from General Nimmo warning that the situation was deteriorating along the cease-fire line. On the basis of this report, I saw the representative of Pakistan at 1230 hours on that day, and asked him to convey to his Government my very serious concern about the situation that was developing in Kashmir, involving the crossing of the ceasefire line from the Pakistan side by numbers of armed men and their attacks on Indian military positions on the Indian side of the line, and also my strong appeal that the cease-fire line be observed. That same after-noon I saw the representative of India, told him of the information I had received from General Nimmo and of the demarche I had made to the Government of Pakistan, and asked him to convey to his Government

my urgent appeal for restraint as regards any retaliatory action from their side. In subsequent days, I repeated these appeals orally for transmission to the two Governments, asking also that all personnel of either party still remaining on the wrong side of the line be withdrawn to its own side. I have not obtained from the Government of Pakistan any assurance that the cease-fire and the ceasefire line will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line. I did receive assurance from the Government of India, conveyed orally by its representative at the United Nations, that India would act with restraint with regard to any retaliatory acts and will respect the cease-fire agreement and the cease-fire line if Pakistan does likewise. In the meantime, reports from UNMOGIP as of 2 September indicate a continuation of violations of the cease-fire and the cease-fire line from both sides.

"In view of the continuing deterioration in the situation as of 16 August, I gave consideration to a further step in the form of a draft statement about the cease-fire violations which was designed for public release. The draft was handed to the two representatives to be transmitted for the information of their Governments. Both Governments reacted promptly. The Government of India had no objection to the release of the statement but at first wished certain modifications which in part at least regarded as unacceptable. The Government of Pakistan was strongly negative about the statement in general on the grounds that it favoured India in that it dealt only with the current cease-fire situation without presenting the political background of the broad issue and thus was lacking in balance since a cease-fire alone supports the *status quo* to India's benefit." [S/6651, paras. 9 and 10].

On the question of the attitude of the Pakistan Government to the cease-fire, I wish to draw the attention of the

Council to two extracts from that report. This is a reply from the President of Pakistan to the Secretary-General's first letter :

"Nevertheless, Pakistan is not against a cease-fire as such. In fact, in order to save the subcontinent from being engulfed in what would clearly be an appalling catastrophe, we would welcome a ceasefire. But it must be a purposeful cease-fire : one that effectively precludes that catastrophe and merely postpones it. In other words, it should provide for a self-executing arrangement for the final settlement of the Kashmir dispute which is the root cause of the India-Pakistan conflict.

"While you propose a 'cease-fire without condition' you go on to add that the Security Council would, soon after the cease-fire, proceed to implement its resolution of 6 September. The provisions of the Security Council resolution of 4 September and 6 September that the cease-fire be followed immediately by withdrawal of all armed Pakistan personnel to the Pakistan side of the cease-fire line and the consolidation of the cease-fire line through the strengthening of the United Nations Military Observer Group would result in restoring India's military grip over Kashmir. We would thus merely revert to the same explosive position which triggered the present conflict." [S/6683, para. 9].

Lastly, I quote the final paragraph of the second letter from the President of Pakistan :

"However, a cease-fire can be meaningful only if it is followed by such steps as would lead to a durable and honourable settlement in order to preclude the recurrence of a catastrophe such as now threatens the subcontinent. To bring about such a settlement, it would, be necessary to evolve an effective machinery and procedure that would lead to a final settlement of the Kashmir dispute." [*Ibid.*, para. 14].

Mr. President, I have done.

My delegation feels that in the present context any resolution of the Council should have these four essential parts : first acknowledgment of India's ready acceptance of the Security Council's call for a cease-fire; secondly, regret that Pakistan felt unable to agree to an unconditional cease-fire; thirdly deploring of the recourse of large-scale armed infiltrations into Kashmir as a design by no means consistent with the continuing desire to settle all disputes with India on peaceful terms; and, fourthly, a call on Pakistan, not on India which has not once but twice accepted the Secretary-General's, proposals to cease hostilities as of a particular date and a particular time.

Those without embroidery or irrelevance, are the immediate need. My delegation would be happy to support every effort to get a resolution of that content passed by the Council. No more can be or should be expected of the Council - certainly, no less.

Before I conclude I wish to say this. I have listened with great sorrow to the catalogue of human tragedy that the representative of Pakistan narrated to us this morning. I have not the slightest doubt that the representative of India does have his own story to tell of unspeakable tragedies. In human terms they should tug at our hearts and stir our souls with revulsion for war; and pity and compassion for those that are the unwilling legatees of the misery, starvation, homelessness and sufferings innumerable let loose by war, a situation in which swift death would be a great mercy.

I trust that that mental picture alone will give this debate a sense of urgency as nothing else can.

**223. Text of the Speech made by Lord Caradon (United Kingdom) in the Security Council Meeting
No. 1241 held on 18 September 1965**

I do not propose now to endeavour to comment on the two very able speeches to which we have listened this afternoon. We shall wish to study what they have said very

carefully, and it may well be that at a subsequent stage in our debate I would comment on them. I would make no excuse at all this afternoon for speaking at this stage only in order to emphasize the need to concentrate our attention on the statements of the Secretary-General. I shall do so very shortly because I am concerned not to go back over the that but to look to the future. It is the action to be taken on those statements of the Secretary-General is which our whole attention must surely now be directed.

I am sure that all of us at once recognized the gravity of the report [S/6686] made to us by the Secretary-General at the 1239th meeting yesterday. It was a clear, and forthright and hold report suitable to the gravity of the situation.

Now as we meet to take action on that report I am confident that we do so with an overriding sense of urgency. In this Council we acted with urgency and unity when we unanimously passed resolutions 209 (1965) and 210 (1965) of 4 and 6 September. The Secretary-General followed up those resolutions without delay and without any hesitation. The United Nations did not fail to move quickly to meet the danger. Now the need for further urgent action is greater than ever.

From the first, the Secretary-General has had the full support of my Government. The Prime Minister of the United Kingdom at once appealed in the most urgent terms to President Ayub Khan and to Prime Minister Shastri to respond to Council resolution 209 (1965) and to bring the fighting to an immediate end. And the British Foreign Secretary confirmed personally to the Secretary-General, when he passed through London on his way to Pakistan and India, the whole-hearted support of Her Majesty's Government.

We wished the Secretary-General good fortune when he set out on his brave endeavour. Throughout, he has carried with him the fullest confidence of my Government, and we pay our tribute to his energy and his patience and his persistence and his courage. We are more than ever grateful to him for his readiness to continue to carry such a heavy burden of responsibility.

We most sincerely endorse the Secretary-General's statement on leaving Delhi that even though an end of the fighting had not yet been achieved, there was no reason for slackening our efforts to achieve it. On the contrary, as the Secretary-General emphasized in the report he made to us yesterday, the need for a sustained and accelerated effort is now greater than ever. There is and can be no question of failure. It is a continuing and reinforced initiative on which he and we are engaged, an initiative which must succeed. As the Secretary-General said to us yesterday—and we closely marked his words :

"If success has not yet been achieved in securing compliance with the Council's resolutions, that is all the more reason for making further strenuous efforts for a cease-fire as well as for long-term solutions." [S/6686, para. 8.]

We are encouraged and inspired by the Secretary-General's example and his call "to show that peace can be restored and international harmony promoted by the concerted efforts of the international community" [*Ibid.*]. We, with him, are "thinking not only of the well-being and future of the Governments and peoples of India and Pakistan, but also of the hopes of mankind for a more peaceful world which are centered on the United Nations." [*Ibid.*].

This is the text of the statement issued by my Government in London earlier today :

"The British Government have made it clear that they gave the fullest support to the recent mission undertaken by the United Nations Secretary-General at the request of the Security Council in an attempt to reach a peaceful settlement of the tragic conflict between India and Pakistan. They believe that the courses of action set out in the Secretary-General's report, which in his judgement might be helpful in considering how to achieve an effective cease-fire, provide a useful basis for

further urgent discussions in the Security Council. The British Government wish to express their profound gratitude and great admiration of the Secretary-General's untiring efforts for peace."

Now, looking to the future, we trust that both of the great countries involved in this conflict will respond to the appeal which we so earnestly and urgently shall now make to them. They will do so, I confidently believe, not only in the interests of their own peoples so that they may be saved from the scourge of much wider conflicts, but in the interests of establishing and maintaining international order and international peace and achieving the honourable and equitable settlement which has long been the declared objective.

**224. Text of the Speech made by Mr. DE BEUS
(Netherlands) in the Security Council Meeting
No. 1241 held on 18 September 1965**

First of all, I wish to express the deep concern of my delegation— a concern undoubtedly shared by all members of the Security Council—that a cease-fire as called for by the Security Council almost two weeks ago, in its resolutions 209 (1965) and 210 (1965) of 4 and 6 September has still not come into being. At the same time it seems to us that some progress towards a cease-fire has been made, thanks to the invaluable and unrelenting efforts of the Secretary-General. It is on the result of those efforts that I should like to speak first.

My delegation has studied carefully the Secretary-General's two reports which are before us [S/6683 and S/6686]. I am sure that we are all deeply grateful for the tactful, yet determined, way in which the Secretary-General carried out his most difficult mission. He has not yet been able to achieve a cease-fire, but from a careful reading of his reports one gains the impression that it has been brought some-what closer.

Let us examine for a moment the position of the parties to the conflict with regard to responsibility for the outbreak

of fighting, as this position emerges from the Secretary-General's reports as well as from the statements of the two-parties to which we have listened with great attention.

The contention of India, to begin with, is—and here I quote from the reply of Prime Minister Shastri of 14 September—that :

“...Pakistan launched a massive attack on India on 5 August 1965 by sending thousands of armed infiltrators equipped with Pakistani arms and ammunition and officered by men of the regular forces of Pakistan...”
[S/6683, para. 8.]

This allegation, it must be said, is confirmed by the Chief United Nations Military Observer in Kashmir, to the extent that the Secretary-General's report of 3 September states :

“...that the series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the cease-fire line from the Pakistan side for the purpose of armed action on the Indian side.” [S/6651, para. 6.]

We must therefore assume that extensive infiltrations across the cease-fire line did indeed take place from the Pakistan side from 5 August on, even though we must add that my delegation would not necessarily subscribe to the qualification of these infiltrations as “a massive attack on India”.

From this contentions India's demand, repeated here yesterday, that Pakistan be identified as the aggressor, and furthermore India's request—and I quote again from Prime Minister Shastri's first reply :

“We must urge that Pakistan should be asked forthwith to withdraw these armed infiltrators... we will have to insist that there must be no possibility of a recurrence of armed attacks on India, open or disguised.” [See S/6683, para. 8.]

This constitutes, I believe the essence of the Indian position with regard to the outbreak of the present hostilities and of what India expects of the Security Council in connexion with a possible cease-fire.

Pakistan's contention, on the other hand, is that it is India which committed aggression. I quote from President Ayub Khan's reply of 13 September :

"...India attacked Pakistan on 6 September. This was an act of naked aggression. It is astonishing that the cease-fire resolution of the Security Council of 6 September, which you are urging us to implement, completely ignores this basic fact." [*Ibid.*, para. 9.]

It is an uncontested fact, I believe, that Indian armed forces crossed the international border between Pakistan and India on 6 September—which was about one day after the Security Council's first appeal for a cease-fire. On the basis of this fact, Pakistan wishes India to be branded the aggressor. The Pakistani President, furthermore, declares himself prepared to accept a cease-fire on the following conditions :

"...the cease-fire must be accompanied by action which would resolve the real cause of this conflict. This would be possible if the cease-fire is followed immediately by complete withdrawal of the Indian and Pakistan forces from the State of Jammu and Kashmir, the induction of a United Nations-sponsored Afro-Asian force to maintain order in the State and the holding of a plebescite in the State within three months." [*Ibid.*]

The Secretary-General thereupon made a second appeal to both Heads of Government. Prime Minister Shastri, in his reply to this second appeal, declared his country's preparedness to accept a simple cease-fire without attaching conditions. President Ayub Khan, in his reply, declared himself "agreeable in principle to stop fighting" [*Ibid.*, para. 14]. He went on to say, however, that a meeting with Prime Minister Shastri seemed to

offer little hope of success. President Ayub Khan furthermore stated :

"However, a cease-fire can be meaningful only if it is followed by such steps as would lead to a durable and honourable settlement in order to preclude the recurrence of a catastrophe such as now threatens the subcontinent. To bring about such a settlement, it would be necessary to evolve an effective machinery and procedure that would lead to a final settlement of the Kashmir dispute."
[*Ibid.*]

A comparison of the first and the second replies of both Governments shows that, although unfortunately they have not yet come together on a cease-fire, the gap which separates them has been narrowed. India no longer poses any conditions, although it is clearly worried about a possible repetition of armed infiltrations. Pakistan still makes it a condition that a cease-fire should be followed by effective steps leading to a final settlement of the Kashmir dispute.

So much for the position of both parties to the conflict. The question for us now is : what can the Security Council do to achieve a cease-fire and a settlement of the underlying political questions ?

I have noted that each of the two parties accuses the other of aggression, that each of the parties adduces established facts to prove that contention, and that each of the parties wishes the Council to brand the other side as the aggressor and draw the conclusions from such a condemnation.

It seems to my delegation that it would become a very complicated and rather fruitless process for the Council to weigh all the actions by one party against those of the other. It is obvious that actions have taken place on both sides by which hostilities escalated, and we believe that it would be almost impossible to single out one specific act or date at which aggression started. The task of the Security Council is to maintain peace and security, not to sit in judgement like a tribunal and award damages after weighing the seriousness of the

mutual claims and counterclaims. Our duty today is to stop the fighting and, beyond that, to promote a settlement of the problem from which the fighting originated. We should, therefore, concentrate on steps leading to that double goal. Rather than trying to pronounce judgement on recriminations about the origin of the fighting, we should now try to stop the fighting and open a road to eliminate the underlying causes of conflict from which the fighting sprang.

Returning to the positions of the parties to the conflict with regard to a cease-fire, it seems to my delegation, as I have said, that the two positions are no longer so far apart that the gap cannot be bridged. Upon the Security Council rests the heavy responsibility and the duty now to make a supreme effort to help the parties to bridge this gap. It can do so by making its own contributions to this end, here and now, by trying to alleviate the understandable fears of both parties.

India, I repeat, fears a repetition of armed infiltration. The Security Council cannot, of course, guarantee that no infiltrations or other violations of the cease-fire line will ever take place again. It can, however, greatly contribute to that effect by increasing the present obviously insufficient strength of its military observer corps in Kashmir to the degree necessary. This should go a long way to give India a reasonable guarantee against a repetition of massive infiltrations.

Pakistan, on the other hand, fears that if it agrees unconditionally to a cease fire this will in fact simply mean a return to the *status quo*, without anything else being done to go to the main root of all the troubles between India and Pakistan during the last eighteen years : namely, the Kashmir question. That fear, too, certainly seems justified on the basis of the history of the last eighteen years, since the many decisions of the Security Council on this subject have never been carried out.

As is well known, the attitude of my country has always been that the Kashmir question should be solved on the basis of the free self-determination of the people of Kashmir and Jammu and that the decisions of the United Nations Commission for India and Pakistan and the Security Council on that subject offered a just means to achieve that aim. Therefore

we can sympathize with Pakistan's apprehension on this aspect, namely that the basic political conflict might be left unsolved. If that were done, the Council would be only dealing with the symptoms of the disease and not with the disease itself, the underlying cause of all the conflicts between India and Pakistan.

Here again, the Security Council can make its contribution to alleviating that fear of Pakistan by making it clear beyond doubt that a cease-fire and a withdrawal of troops will have to be followed by talks between the parties and effective measures to solve on a just and durable basis a problem which has for nearly one score years now envenomed the relations between these two great nations of the subcontinent, which are so dependent on co-operation between them. As the Secretary-General said in his appeal of 12 September to President Ayub Khan and Prime Minister Shastri, a cease-fire is "a necessary prelude to further measures towards the restoration of lasting peace" [see S/6683, para. 6].

If, then, the difference which separates the two parties on a cease-fire has been narrowed, the military situation too seems at the moment to be more propitious for a cessation of hostilities. After several weeks of fierce battles the fighting seems to have diminished somewhat on several fronts, and a military stalemate appears to be developing. This proves once again that neither party can gain its aims by military means and that the tremendous bloodshed now going on between the two brother nations is, therefore, senseless and should be stopped.

I should like to point to another aspect of the matter and express the great regret which is felt in countries such as mine that these two neighbouring countries, which were dedicating themselves with great energy and obvious results to their economic and social development, are now engaged in a fratricidal conflict which threatens to undo all the valuable work that has been performed in the past. My country is among those which are happy to participate actively in the important assistance which both countries receive on a large scale from many industrialized countries, and we are distressed to see that this development effort which we are so actively supporting is thus in danger of being undone by the waste of warfare.

To this political and military situation and to this economic aspect there has in the last few days been added another and more ominous reason for ending the fighting without delay. New and serious developments in Asia during the past few days, which have been referred to by the representative of India, have rendered more acute the danger of an extension of the conflict to other areas and to a large-scale conflagration. This makes it absolutely essential that the fighting should be stopped before such a further extension can take place. My delegation, therefore, believes that the Security Council should do its utmost to achieve a cease-fire before this weekend is over. It sincerely hopes that the circumstances which I have mentioned will lead the parties to the same conclusion. At any rate the Security Council should brook no longer delay and should act now. When I say "now" I mean not later than today or tomorrow. The situation is fraught with danger, and time is of the essence.

My delegation considers that many of the suggestions made by the Secretary-General in his second report (S/6686) point the way and are most likely to lead to the desired result. The Security Council should, we believe, as he proposes, on the basis of Article 40, now decide on a specific moment in the nearest future at which hostilities should cease. It can offer its assistance for ensuring the observance of the cease-fire. In taking these steps for a short-range solution, we should, however, not lose sight of our long-range objective, which is to eliminate the underlying political conflict. The Council cannot impose a specific solution of that conflict, which in the end depends on the parties. However, it can set in motion a process to that end. It can set the parties on the road to negotiations and assist them there if desired.

My delegation is prepared to support or to co-sponsor any resolution containing those basic elements.

My delegation hopes and trusts, however, that the Council does not need to go further. India has already declared itself prepared to accept a cease-fire without conditions. Pakistan has declared itself prepared in principle to do so, though maintaining certain fears. The Governments

of both countries have stressed their responsibilities towards their nations to defend their own interests. Surely their main responsibility is, however, to put an end to a useless waste of human life as a first step to a durable settlement. Certainly to bring this about is the duty of the Security Council, in view of its responsibility for international peace and security, but also in view of its responsibility towards the nations of India and Pakistan themselves.

**225. Text of the Speech made by the President Mr.
Arthur J. Goldberg as representative of the
United States of America in the Security
Council Meeting No. 1241 held on
18 September 1965**

I should now like to make a statement in my capacity as representative of the United States of America.

The United States believes it crucial that the Security Council pursue urgently, with all the capability at its disposal, its efforts to secure an immediate and effective cease-fire between India and Pakistan and to restore peace in the sub-continent. The Secretary-General has reported to us in full on his mission of peace. The United States commends the Secretary-General for his impartial efforts to give effect to the Council's resolutions and achieve an honourable settlement. My Government fully endorses his proposals to the parties and urges this Council, in the light of the seriousness of the situation, to proceed to promptly to implement them.

We agree with the comment just made by the representative of the Netherlands, that time is of the very essence in this grave situation.

We regard the Security Council as the appropriate and the most effective agency to meet this crisis. We believe the Security Council must act, that it must act firmly, decisively and promptly. We trust that all peace-loving countries will fully support its efforts.

While we are meeting, in direct contradiction to our efforts, the Chinese Communists are pursuing a course clearly

designed to aggravate further the already grave situation.

The world is thus confronted with an increased threat to peace which can only be designed to increase tension and to complicate the peace-making efforts of the United Nations, the Security Council and the Secretary-General.

If a cease-fire between India and Pakistan was necessary on 4 and 6 September when resolutions 209 (1965) and 210 (1965) were adopted, it is imperatively necessary today. And it is doubly necessary that our voices be raised firmly against any efforts to spread the conflict and exploit what is already a tragedy.

I most strongly urge that we proceed here with our task and join in calling on both Governments involved in the conflict to cease-fire immediately and to respond favourably to the Secretary-General's proposals in order that this threat to world peace may be ended before it involves more nations, more peoples, more suffering.

The Secretary-General, has also expressed the view to the two parties that the Council would wish to explore, "as a matter of urgency, methods for achieving enduring peace between India and Pakistan" [S/6683, para. 6], and has noted that as late as November 1962 the President of Pakistan and the Prime Minister of India had agreed on the need for renewed efforts to resolve their outstanding differences. We agree with the Secretary-General that renewed efforts to resolve these difference should be made and that they can only be effective under conditions of peace.

The position of the United States in this matter is simple and forthright. We are in full support of the United Nations activity in this area. We are in full support of resolutions 209 (1965) and 210 (1965) adopted by the Security Council and the efforts of the Secretary-General to give effect to these resolutions. And our full support of these resolutions is but a continuation of our consistent attitude on the India-Pakistan question, which has always been to support a peaceful solution of all aspects of the differences between them.

Since the birth of India and Pakistan as independent countries, my Government has developed relations, close and

friendly, with both countries, relations which we sincerely want and hope and expect to continue. We have many ties of friendship and common interest with the peoples of both India and Pakistan. And these are expressed not only in our broad governmental programmes, but also in the form of many non-governmental programmes and activities, particularly in the fields of health, education and economic development. And as I said in the Security Council a week ago, a Saturday, 4 September 1965, and I would like to repeat that statement :

“We know intimately from our close relations with both countries the intricacies of the underlying problem which is at the root of today’s conflict . . .” [1237th meeting, para. 190].

Our attitude in the United Nations on the India-Pakistan question today, as in the past, continues to derive from the existence of this spirit of friendship with both countries and a deep interest in world peace. That is why we have shared the deep concern expressed by us, together with all members of the Council, in resolution 210 (1965), about extension of the fighting which adds immeasurably to the seriousness of the situation. The world community has a right to expect, in the wake of the Security Council resolutions twice adopted unanimously, that both parties cease hostilities and respect the Council’s resolutions, which are even-handed resolutions between the parties.

These resolutions are based on a common conviction that a peaceful resolution of the differences between the two countries can be effected only in conditions of peace and not by continuing hostilities or violence. It is the overriding necessity of this very hour, in the face of truly disastrous consequences, for both of these great countries and for the whole world, to achieve a halt in the fighting. And this is why the Council requested the Secretary-General to exert every possible effort to give effect to resolutions 209 (1965), and 210 (1965), and this is precisely what the Secretary-General did on his mission of peace to the subcontinent.

The Secretary-General said, of India and Pakistan :
 "... it is not only the fate of the peoples of India and Pakistan which is at stake. Both States are linked in a peculiarly intricate way with the mainstream of world affairs." [1239th meeting, para. 17].

The threat to international peace and security is apparent and must be obvious both to the parties and to every member of this Council. The Council must act firmly and quickly, and all States truly dedicated to peace and security and to the Charter of the United Nations must heed its voice.

**226. Text of the Speech made by Mr. Seydoux
 (France) in the Security Council Meeting
 No. 1241 held on 18 September 1965**

Before speaking on the item on our agenda, I should like to say that my delegation is very sorry to witness the departure of our friend Mr. Rifa'i, who has occupied an eminent place in this Council. Several of my colleagues have referred to his qualities of intellect, his highmindedness, and the moral authority which attached, one might say almost naturally, to his opinions and his conversation. My colleagues and I associate ourselves unreservedly with these expressions of praise : we also admire his unfailing courtesy, his unusually keen diplomatic sense, the strength of his convictions and the courage with which he has expressed his ideas.

Since the adoption of resolution 210 (1965) of 6 September, fighting has not ceased on the subcontinent. Despite the personal efforts of the Secretary-General, who was in a particularly favourable position—perhaps more so than anyone else—to persuade the two parties to listen to the voice of wisdom, they have continued along the dangerous path of war. Such a situation is profoundly alarming, and harmful for India and Pakistan, for the United Nations itself, and for the peace of the world.

My delegation wishes to add its voice to those which have been raised to urge the two Governments to comply with resolutions 209 (1965) and 210 (1965) unanimously adopted by the Security Council on 4 and 6 September last : it hopes that

these resolutions will be reaffirmed here in the most forceful manner because it is essential, in the interests of these two great friendly nations, that the military operations in progress should be ended with the utmost possible speed.

My delegation considers that the urgent nature of the emergency action required does not relieve the Security Council from the duty of giving the closest attention to the causes underlying the crisis which has been coming on over the last few weeks. The present phase of our debate should not, in our view, be concluded without at least opening the door to discussions in which a settlement of the basic political problems between India and Pakistan—in the first place, that of Kashmir—could be sought under conditions justifying the hope of a reasonable outcome.

But, I repeat, nothing reasonable can be obtained by prolonging a fratricidal struggle. It is high time that the two camps—whose eminent speakers we have heard yesterday and this morning, with interest but also with sadness—should be made aware of this.

I shall limit myself now to these few general comments, reserving our right to speak again when a draft resolution is before the Council.

**227. Text of the Speech made by Mr. Hsueh (China)
in the Security Council Meeting No. 1241 held
on 18 September 1965**

I wish to associate my delegation with the expression of appreciation extended to the Secretary-General for his mission of peace to India and Pakistan. While his efforts to give effect to the Council's resolutions have not received positive responses in all cases from the parties concerned, my delegation is gratified that the mission has not been altogether fruitless.

His two reports have thrown a flood of light on the critical situation. The impressions he has formed and the recommendations he has made should receive the Council's most serious consideration. The Secretary-General has found that both India and Pakistan are desirous of a cessation of

hostilities in the entire area of the current conflict. But in an atmosphere of suspicion, fear and highly charged emotionalism, it is not surprising that both parties have found it necessary to make charges and countercharges against the other, rather than to accede in a clear-cut manner to the cease-fire appeals of the Security Council and to the personal appeals of the Secretary-General. This has made the mission undertaken by the Secretary-General even more difficult and complicated.

In this respect, it is only fair to note, as was ably pointed out a while ago by the representative of Malaysia, that India did indicate to the Secretary-General its readiness to accept a simple cease-fire. On the other hand, Pakistan made its acceptance conditional upon certain measures that were unacceptable to India. As a result, the fighting continues unabated and the situation remains grave.

As the organ responsible for the maintenance of peace and security, the Security Council clearly cannot evade its responsibility. It must act immediately in such a way as to enable the leaders of both India and Pakistan to find it possible to get out of a blind alley.

In his report [S/6626] to the Council at the 1239th meeting the Secretary-General suggested the advisability of applying Articles 39 and 40 of the United Nations Charter to enforce the cease-fire. This may very well turn out to be quite unnecessary. But it appears to be a logical step to take in order not only to uphold the authority of the Council, but, what is more important, also to put an effective stop to a war which though as yet local in nature may well escalate to such a scale as to endanger world peace.

My delegation welcomes this and the other recommendations of the Secretary-General and will be happy to support any initiative leading to a resolution that will bring about an effective cessation of hostilities. For, in the present grave situation, the foremost prerequisite to a final settlement of the Kashmir dispute is an immediate cease-fire.

The Kashmir question has been with us for seventeen years. It is sad to note that with the passage of time there

seems to be a progressive hardening of positions. It is this erosion of flexibility that has made the present conflict inevitable. It seems to my delegation, however, that the present tragic events should have the effect of demonstrating the futility of trying to settle disputes by force of arms. This is a time for a change of positions. The leaders of India and of Pakistan need all the magnanimity they are capable of to bring the Kashmir question to a lasting solution. It is suicidal to allow this running sore to go on festering until it is beyond all cure.

In his statement before the Council at our meeting yesterday, the representative of India referred to the fact that the communists of my country have made use of this fratricidal struggle between India and Pakistan to threaten intervention. Let me take this opportunity to state, with all the emphasis at my command, that the warlike behaviour of the group of men in Peiping is alien to the peaceful traditions of the Chinese people.

China and India have lived together as good neighbours for thousands of years. Their relationship has been marked by mutual respect and cultural collaboration. Throughout the centuries there has been a continuous exchange of scholars, artists and religious teachers. There has never been a time—and I repeat, never—when the peoples of the two neighbouring countries confronted each other in armed conflict. It saddened me to listen to that part of the statement of the representative of India in which he related how the communists on the mainland of China have taken advantage of the present conflict on the subcontinent to threaten India with war. This is another example of the aggressive proclivities of the Chinese communist regime. It is only too obvious that if India and Pakistan should continue to lock themselves in mortal combat, the ultimate victor, not only in Kashmir but also on the subcontinent would be neither India nor Pakistan, but the evil forces represented by Peiping.

Before concluding, may I take this opportunity to pay a high tribute to His Excellency Ambassador Rifa'i of Jordan, who is leaving us very soon. We will sorely miss him. We

will miss his wisdom, but we wish him success and the best of health wherever he goes.

**228. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1241
held on 18 September 1965**

Today the Security Council again meets in disquieting circumstances, when the armed conflict between India and Pakistan is continuing to spread and the situation is becoming increasingly menacing.

The hostilities between these two States, which began in Kashmir, are spreading day by day, engulfing more and more regions and involving increasing numbers of armed forces on both sides. Serious losses are being sustained, and not only by the armed forces : the peaceful population is being sorely tried. Not only military zones but cities far inside the territory of India and Pakistan, including the capitals, are the targets of air raids.

The spread of the armed conflicts is aggravating the already tense situation in South and South-East Asia, created by the aggression of United States imperialism in Viet-Nam, and is still further increasing the threat to world peace.

It is quite obvious that such a turn of events is not at all in the interests of the peoples of India and Pakistan or the people of Asia as a whole. It is fraught with an ominous threat to international security and is doing great harm to the cause of world peace. It is all too evident that the armed conflict between India and Pakistan merely serves the purposes of the forces which are trying to disunit and set against each other the States that have liberated themselves from the colonial yoke. It is equally clear that the continuation of this conflict benefits only the forces which are pursuing the criminal policy of dividing peoples so as to achieve their imperialist and expansionist aims.

It is natural therefore that all who cherish the cause of peace should show legitimate concern about the tragic turn

taken by relations between the two biggest Asian States, India and Pakistan, which were the initiators of the Bandung Conference. Concern about the armed conflict between India and Pakistan has been clearly expressed by the Governments of numerous countries. As we know, a number of statesmen have appealed for an immediate end to hostilities and a settlement of the Indo-Pakistan armed conflict by peaceful means.

The Security Council, fulfilling its great task as the United Nations organ with primary responsibility for the maintenance of international peace and security, in its turn adopted resolutions 209 (1965) and 210 (1965) calling upon the warring factions to cease hostilities in the entire area of conflict immediately and promptly withdraw all armed personnel back to the positions held by them before 5 August 1965.

With this same end in view, as we know, the Secretary-General made efforts in pursuance of the decisions of the Security Council. The results of these efforts are reflected in his reports [S/6683 and S/6686]. They testify to the extremely disturbing turn of events and the vital need for the Council to adopt immediate measures.

Hearing the thoughts expressed today in the Council about the steps taken by the Secretary-General in the course of his honourable and responsible mission, we see clearly that the Council must exert further effective efforts in order to bring about a decisive solution.

As we know, the reports indicate that the Secretary-General, fulfilling the mandate entrusted to him by the Security Council, requested the Governments of India and Pakistan to order an unconditional cease-fire and cessation of all hostilities in the entire areas of the conflict. The positions of the warring factions are presented in the respective messages of the Governments of India and Pakistan. They speak for themselves.

The reply to this appeal received from the Prime Minister of India, Mr. Shastri, on 15 September 1965 and quoted in the report of the Secretary-General, states *inter alia* :

"I reaffirm my willingness, as communicated, to order a simple cease-fire and cessation of hostilities as proposed by you, as soon as you are able to confirm to me that the Government of Pakistan has agreed to do so as well." [See S/6683, para. 11.]

The report of the Secretary-General also quotes the reply from the President of Pakistan, Mr. Ayub Khan, received on 16 September 1965. The reply states as follows :

"While we are agreeable in principle to stop fighting... a cease-fire can be meaningful only if it is followed by such steps as would lead to a durable and honourable settlement in order to preclude the recurrence of a catastrophe such as now threatens the subcontinent. To bring about such a settlement, it would be necessary to evolve an effective machinery and procedure that would lead to a final settlement of the Kashmir dispute." [*Ibid.*, para. 14.]

It should be particularly emphasized that the recognition of the need for an immediate end to the current armed conflict between India and Pakistan, the recognition of the extreme importance of this for the cause of peace, has been reflected in a whole series of international moves. The Security Council too made this point quite unequivocally in its decisions, which are extremely serious and must be implemented.

The Soviet Union, which has unwaveringly attached primary importance to the maintenance of world peace, has likewise expressed grave concern about the armed conflict between India and Pakistan. The leaders of the Soviet Union have repeatedly made it clear that we are far from indifferent to what is happening now between India and Pakistan.

It is a well known fact that we are bound to India by a friendship which by now has become traditional. The Soviet Union appreciates India's peace-loving foreign policy and devotion to the principles of peaceful coexistence and non-alignment,

the principles of national freedom and friendly co-operation among peoples. And it may be appropriate here to recall that our country has done a good deal to help its friends in India to advance along the road of peace and progress and consolidation of the country's independence.

At the same time, we are in favour of the development of good-neighbourly relations with Pakistan too, since such relations are in the mutual interests of both our countries. The Soviet Union has therefore on many occasions noted with satisfaction that these endeavours of ours meet with understanding on the part of the Government of Pakistan.

All this explains why our concern about the current armed conflict between India and Pakistan represents above all the sincere and disinterested feelings of friends of the peoples of India and Pakistan and desire for peace to be restored between the two countries. At the same time, we cannot but note that the conflict arouses our concern also because the hostilities are taking place in a region immediately adjacent to the frontiers of the Soviet Union.

The attitude of the Soviet Union towards the question being considered by the Council is determined by the general lines of the peace-loving foreign policy of our country and by our profound conviction that when disputes arise between States—whatever their origin—they should be settled by peaceful means, by negotiations. There is no other possibility for the settlement of conflicts.

As was indicated in the messages sent by the Chairman of the Council of Ministers of the USSR to the Prime Minister of India and the President of Pakistan on 4 September 1965, [S/6685] the Soviet Government has expressed willingness to lend its good offices in this matter—provided of course that the parties so desire.

We venture to recall again that the Soviet Union is most anxious to see peace strengthened in that region. As you know the Soviet Government has called upon India and Pakistan to cease hostilities immediately and withdraw their respective troops to the positions held by them before the beginning of the conflict. And with that in mind, the Soviet Union suppor-

ted the decisions of the Security Council designed to achieve this aim.

In present circumstances, attention must be focussed on the need to implement the resolutions of the Security Council and on strict compliance with its decisions. It has become more clear than ever that the main task now is to achieve an immediate cessation of hostilities between India and Pakistan and to put an end to the bloodshed. The deafening roar of guns and thunder of bombs are obstructing negotiations. Belligerent moods and heated passions are very dangerous counsellors of reason. In an atmosphere of armed conflict it is hardly possible to solve the problems which exist between the two States, and their solution is most desirable in the interests of good-neighbourly relations between them.

It goes without saying that it is first and fore-most the Governments of India and Pakistan themselves which can and must settle the present conflict. The Charter of the United Nations and the Bandung principles cry out for statesman-like wisdom on the part of the leaders of both countries and for restraint and good will.

At the same time, it is obvious that in the situation brought about by the Indo-Pakistan conflict, much depends on other States too. Attempts to use this conflict in their own selfish interests, disregard for the fate of the innocent people who are being killed, and still more, incendiary and provocative statements could only aggravate the situation and help to fan the flames of the conflagration. Such conduct could bring with it the risk of further spreading the conflict and involving many States in it one after the other, with all the serious consequences this would entail.

The Soviet delegation feels it necessary to emphasize that in present circumstances the efforts of all States, including the members of the Security Council, should be concentrated on the main and most urgent task of ending the bloodshed and restoring peace between India and Pakistan. We see this as the direct and unfailing duty of the Security Council. If normal conditions could be restored, the parties would be able in the spirit of the Charter of the United Nations and the Bandung

principles, to enter into negotiations on the subject of a peaceful settlement of the current disagreements.

**229. Text of the Speech made by Mr. Vidal Zaglio
(Uruguay) in the Security Council Meeting
No. 1242 held on 20 September 1965**

Before beginning this statement on behalf of my country, I should first like to thank the President of the Security Council for the kind words he has spoken about me. Since, however, I take his words as being addressed to the country I represent, I wish to express my deep gratitude for the sentiments they contained, which reflect the generosity and goodwill of the President and are a source of pride and satisfaction to me and to Uruguay, particularly since they come from such a distinguished jurist as Mr. Goldberg, who has had an outstanding career in his own country as an eminent member of the Supreme Court. He has spoken of Uruguay so kindly and aptly, in terms which we cannot forget or ignore. I am grateful for the gracious and warm welcome addressed to me and, as an Uruguayan, I have listened to them with the greatest satisfaction.

On taking my seat in the Security Council, I wish to express my country's genuine interest in and its opinion on the item under discussion. Uruguay is occupying a seat on the Council for the first time and, because it is aware of the responsibility which this implies, because it knows that its statements—by virtue of its own tradition and of the fact that it is one of the two Latin American members of this body—are inspired by a steadfastly peace-loving tradition, by the rejection of all solutions based on aggression and force and by an unswerving faith in solutions based on international law, it has studied this case, in which two Member States face each other in battle and which is endangering peace and general security, with all the seriousness which the circumstances require.

Uruguay was one of the sponsors of Security Council resolutions 209 (1965) and 210 (1965) adopted unanimously on 4 and 6 September 1965, and we are accordingly in general agreement with the conclusions of the reports made by the

Secretary-General on returning from his mission [S/6683, S/6686]; his devotion to the cause of peace has once again been demonstrated by the accomplishment of his difficult mission.

The matter is now before the Security Council, under Article 24 of the Charter which confers on it primary responsibility for the maintenance of international peace and security, and it must therefore take appropriate action. This action, which must be directed towards achieving the immediate and most important aim of securing peace, may take the form of a cease-fire and the withdrawal of all military forces, irrespective of their nature.

These provisional measures will not affect the rights, claims or positions of the parties concerned, since the fundamental problems involved in this case ought to be settled and will have to be settled in due course in accordance with the principles and purposes of the United Nations, and with Article 1, paragraphs 1 and 2, of the Charter, in particular. The Council will therefore continue to consider this problem in order to ensure full compliance with the Charter and respect for its decisions.

We have before us the text of a draft resolution [S/6694] submitted by the Netherlands. Generally speaking, we find it fully satisfactory, because basically it is an effective contribution towards maintaining peace in the world and because two Members are to help in the most important way of all, by the cease-fire, to ensure that peace will reign among the countries which signed the Charter.

My country hopes that the two great States, which are now facing each other in a conflict which can hardly be termed other than deplorable, will realize that the problems that separate them can be solved only by observance of the law and by co-operation, that fighting will solve nothing and that, moreover, their attitude is creating an international situation which may lead mankind into a catastrophe of incalculable magnitude.

Uruguay firmly believes that a true spirit of international co-operation prevails among all the States Members of the United Nations, a spirit which, as Dag Hammarskjöld said, at all times demands a firm belief in the ability of men and

Governments to exercise common sense in order to find the way out of the frightful labyrinth of irreconcilable conflicts and insoluble problems in which we find ourselves.

**230. Text of the Speech made by Mr. De Beus
(Netherlands) in the Security Council Meeting
No. 1242 held on 20 September 1965**

On behalf of the delegation of the Netherlands, I have the pleasure to introduce a draft resolution [S/6694] on the conflict between India and Pakistan. I should add at once that although the draft resolution is presented in the name of Netherlands, it would not have been possible for us to arrive at the text of this draft resolution if it had not been for the co-operation of the other non-permanent members and the unanimous support of the permanent members. Therefore, the contents of this draft resolution are the outcome of informal consultations with all these members. As members will have understood from the many hours which they have had to spend waiting, it has not been easy to obtain agreement on a text which could command a wide degree of agreement in the Council. That it nevertheless has been possible at all to obtain such a degree of agreement on the present text is due to the fact, and only to the fact, that all members of the Council have been guided by one overriding consideration—a consideration which we felt had to weigh more heavily than all the others namely, the absolute need, in view of the international situation in Asia, to stop the fighting before it could spread to other areas. That is the first and main object of this draft resolution.

Its second main object is to open up an avenue to the parties for renewing negotiations on their underlying political problem from which the present fighting originated.

For both these purposes—the cease-fire and the negotiations—the draft resolution offers the assistance of the United Nations.

With regard to the cease-fire, I should furthermore like to point out that the draft resolution this time uses stronger language than before. After having twice “appealed” for a cease-fire, the Security Council now “demands” it to take effect.

on a given date and at a given hour. I should explain that the hour mentioned in the draft resolution is this coming Wednesday, 22 September 1965, at 0700 hour GMT, which corresponds to 1130 hours Rawalpindi time, to 12 noon New Delhi time, and to 3 o'clock in the morning New York daylight saving time, which means that it will give a little more than forty-eight hours to carry out the orders for the cease-fire which we hope will take place.

The draft resolution, I think, speaks for itself. I have little to add to the text. It is a draft resolution which neither condemns nor condones; it deals with the past less than with the future; it does not try to look backward but forward; it does not assess fault to the parties, but offers assistance to them; assistance in supervising the carrying out of the cease-fire, and assistance in subsequent negotiations.

The authors of the draft resolution fully realize that there are serious disappointments involved in this draft resolution for both parties. One party, we know, would have liked no mention at all of certain aspects; the other party would have preferred far more and stronger mention of those aspects. The authors, I can assure them, have had no choice but to adopt the middle course which was achievable. This means that neither India nor Pakistan gets all that it wanted. All I can say is that this is the essence of compromise; it is inevitable in any peaceful settlement. In return, we believe that they do get two invaluable things: the first is peace for their nations, and the second is an opportunity to start talks again on the main problem which has envenomed relations between India and Pakistan ever since their birth.

My delegation and all those who stand behind this draft resolution therefore ardently hope that both parties will accept and execute it notwithstanding certain objections which they will undoubtedly have against it. In so doing they will make sacrifices, but these sacrifices, we believe, are the most honourable contributions that Pakistan and India can make to the peace of the world.

In view of the lengthy informal consultations which have preceded the present draft resolution, and in view of the blood-

shed which is going on at this very moment, I would suggest that we vote on this draft resolution as soon as possible. We hope that it will be passed by the Council this morning, with as many votes as possible, and above all with the unanimity of the permanent members.

I have only this to add. There has been much talk in the past about the crisis of the United Nations and about the paralysis of the Security Council because of a lack of unanimity among the permanent members. If the Security Council takes this decisive action at this critical hour in this very difficult matter, it will have proven, we believe, that the United Nations has overcome its crisis and that the Security Council can indeed exercise its primary responsibility for international peace and security.

**231. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1242 held on 20 September 1965**

I should like to offer a comment or two on the draft resolution to which we have given our support, but before I do so permit me to offer a word of comment on the references made by the representative of Pakistan to certain statements I made at the 1241st meeting. It is very unfairly urged that the fair sex like to have the last word, but I think men too have a habit of talking the last word. Nothing would have given me highest pleasure than to have left the representative of Pakistan with the comforting thought that he had the last word on this controversy of his own creation, but I would have been responsible for the misunderstanding which has been generated in his mind. I think that in fairness to him, and certainly in fairness to myself, I should try to explain what precisely I should, if he will permit me.

I normally try to express myself in as precise the language as possible, but, even though I read from the written text, I must have been particularly obscure in the use of language. The first complaint of the representative of Pakistan related to my reference to that fateful day in August 1947. He asked to

whom I was referring and who the peoples were. I was humbly referring to the fact that India was partitioned in August 1947. As Minister of Law, having learned the Constitutions of the countries, he would know that the parliamentary act that divided India and liberated Pakistan and India refers to "undivided India" many times. Therefore I referred to what India was before 15 August 1947, which by parliamentary usage he referred to as undivided India, which became divided and became Pakistan and India. I could not think the integrity of the States.

Undoubtedly the Minister of Law came rather late in this debate. He was not present on the two earlier resolutions on which I took the floor when I had the real fortune—or whatever else it may be—of introducing those two other resolutions. On the first resolution, which was on 4 September, I said the following in introducing the resolution :

"As I said, the draft resolution does no more than just call a halt to this escalation. India and Pakistan, as two great world Powers, have less a duty to themselves than to the wider cause of world peace and world order. They have been and should continue to be an example to the Afro-Asian world." [1273th meeting, para. 137.]

The day before yesterday, when I was speaking on the substance of the debate, I said the following :

"My country enjoys the most friendly relations with Pakistan as well as India and we are anxious that this relationship should continue and mature."

I would like him, when he has a little time, to dwell on those passages and realize I was not at any time denying—I did not, I could not have denied—the integrity of the existence on the status of Pakistan.

The other matter to which he referred was my reference to the "musty records" of the Council. As to that, he was here on Saturday and therefore he must have heard what I said, which was :

"In resolutions 209 (1965) and 210 (1965) we called for a halt to hostilities—the sole concern, I repeat, in the present context of the Security Council. It is not to recall ancient resolutions from the musty records of the past, nor to express pious hopes for a peaceful settlement in the future, nor to get side-tracked from the main objective." [1241st meeting, para. 32].

So what I did say was that our attention should not be turned backward, it should be turned forward.

I understand, if I may be permitted a personal reference, that the Law Minister of Pakistan is a member of the English Bar, and I understand also that he and I come from the same Temple. Now, he knows, and I know as a practising lawyer, that especially when you go to court, they must hear your records, they must hear the authority that you cite; the more ancient the doctrine that you can press into service, the more ability you demonstrate to the court. And no lawyer certainly no one who has been trained as a lawyer would ever refer in that context to "musty records" as something derogatory or disrespectful. I do hope he will accept my explanation. I am sorry if I did not make myself clearer, as I now find I ought to have.

I would now like to go on and make a few comments on this resolution. My friend, the representative of the Netherlands, undoubtedly deserves the greatest of praise for the tremendous amount of effort he exerted. The inspiration did not come to him; he had to shed a great deal of perspiration over this matter. We are all conscious of this, and we tender to him our gratitude.

To my Government, the resolution is subject to certain reservations. It is, if I may say so, like the curate's egg—good in parts and not so good in other parts. The fourth preambular paragraph specifically reads :

"Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General, but noting further with concern that no cease-fire has yet come into being".

The words "different replies" have now been handed to read "differing replies," which some might regard as a distinction without a difference. The word "but" therein rather gives the meaning that, whatever might have been said by the parties, the thing is going on. It therefore suggests a rather derogatory attitude, it is almost a pejorative reference to the replies from both parties. One may deserve it, the other may not; both may deserve it, but may not. But I think that the word "but" there is not something that is conducive to a clear understanding of what we intended to convey. I think it was Cleopatra who said: "'But' is like a gaoler that brings forth the malefactor", and the malefactor is there. I would have preferred to have that expanded and put in plainer language; but I understand also that, as all feeble compromises must do, they hide themselves and nobody can manage to find either their lineaments or their form.

With reference to operative paragraph 4 of the resolution, in the context of my own statement made to the Council, we should have liked not to have this resolution cluttered up with a reference to the political settlement. I have all the time understood that all views expressed in this Council had to be taken into account; but to the extent to which we have had the pleasure and the privilege of listening to the representative of Pakistan, even before we voted, I almost ventured to think that the child had been killed even before it was born, and that we were listening to an inquest of paragraph 4—that it will not work and it is not intended to work. Therefore, had my friend from the Netherlands not objected to the resolution's being put to the vote in separate parts, we would not have voted in favour of operative paragraph 4. In any case, we have a forecast now of what is going to happen to operative paragraph 4. I suppose it does not matter if I do not venture into further criticism about what it might do or what it might not do.

My Government is undoubtedly just as anxious as anyone else at this table that there should be a cease-fire and that it should arrive as soon as possible; with the reservations I have just stated, and because we are so anxious, we voted in favour

of this resolution.

**232. Text of the Speech made by Mr. Seydoux
(France) in the Security Council Meeting
No. 1242 held on 20 September 1965**

The Security Council has just adopted a resolution which is important for two reasons: first, it demands a cease-fire, without which the situation could only grow worse for the two countries concerned; secondly, it confirms the Council's interest in the political problem which is at the root of their dispute, and indicates the ways and means of dealing promptly with the substance of the problem. These two major provisions of the document adopted are, in our opinion, complementary and, as I have said in earlier statements, my delegation attaches equal importance to them. Nobody denies that the cessation of hostilities is a primary objective in the present serious situation; nor does anybody dispute that the serious disagreement between the parties concerning the political and legal aspects of the Kashmir affair means that a longterm solution will not be found without great difficulty. It was essential, however, for the Security Council, at the present stage, to demonstrate its objectivity and impartiality and that today's resolution should not in any way prejudge the position of either party on the substance of the matter. It was also essential for the Council to recognize that, as soon as fighting has ceased, a further effort, a serious effort, will have to be made to bring about a genuine political settlement which will ensure a lasting peace.

These are the reasons why the French delegation voted as it did.

**233. Text of the Speech made by Mr. Aka (Ivory
Coast) in the Security Council Meeting
No. 1242 held on 20 September 1965**

During the six weeks of the conflict between India and Pakistan many efforts have been made at various levels to restore peace between these two neighbours, these two great

Members of the United Nations. A special tribute must, however, be paid to the efforts made by the Secretary-General since the outbreak of hostilities and to the vigilance and the impartial and tireless endeavours of the Council, which, on two occasions—on 4 and 6 September 1965—called upon the parties concerned to order an immediate cease-fire. Unfortunately, the underlying problems and the passions they arouse, together with all the resentment that has accumulated since the hostilities began, have made it impossible to implement resolutions 209 (1965) and 210 (1965), adopted by the Council on 4 and 6 September 1965.

Nevertheless, whatever justification there may be for feeling of vengeance and of injured national honour, experience shows that vengeance engenders vengeance, that hate engenders hate, and that nothing can be settled in an atmosphere of unbridled passion.

It was therefore necessary and urgent to bring the hostilities to an end, unconditionally and without delay, in order to spare those lives which could still be saved and in order to work out, by peaceful means, a solution to the problem of Kashmir, which is the bone of contention between India and Pakistan, because it is certainly not beyond human ingenuity, and particularly the ingenuity of the two parties involved, to compose the differences.

To meet this need, the Council adopted resolution 209 (1965) and 210 (1965). The Ivory Coast voted in favour of them, and has for the same reason just voted for the draft resolution submitted by the Netherlands, because it does not wish to miss any opportunity of co-operation in a humanitarian and peace-keeping endeavour.

We therefore wish our vote to be understood thus and we think that this new resolution which the Council has adopted will secure the co-operation of the parties concerned, which have, on many occasions, shown their love for and faith in the United Nations and peace. We also have in mind, however what the United Nations ought to do, as quickly as possible, to help India and Pakistan to reach, by peaceful means, a solution to the Kashmir problem which divides them and which

has only too often been a source of world-wide anxiety.

I am not saying that in the form of an ultimatum. I am saying it as I am in honour bound to respect the very purposes of the Charter. In leaving the United Nations, Pakistan will be fulfilling the Charter. And then on-third or more of the world will be outside this Organization, and some countries which call themselves States will be members of the Security Council.

**234. Text of the Speech made by the President Mr.
Arthur J. Goldberg in the Security Council
Meeting No. 1244 held on
22 September 1965**

Speaking on behalf of the members of the Security Council, I should like to express the profound appreciation of the Council to the distinguished Heads of State of India and Pakistan, who, in compliance with resolution 211 (1965) adopted by the Council on 20 September 1965, have ordered a cease-fire between their armed forces so that the end of hostilities and conditions of peace can be brought about on the subcontinent.

This is an important day in the history of the United Nations and of the world. The Council and the United Nations have addressed themselves to perhaps the gravest problem of which the United Nations has been seized in the course of its history. The Council has debated this matter at length, has heard the representatives of the countries concerned at length, and has had the benefit of the profound impartial, courageous efforts of our Secretary-General, who went on a mission of peace to the subcontinent.

The end of bloodshed on the subcontinent is highly important. But, as Security Council resolution 211 (1965) clearly states, that is a first step. There are other steps which must be taken. The other steps which must be taken are for the parties involved and the Council to work together to bring about conditions of permanent peace between their two countries.

Resolution 211 (1965) recognized that there had to be a cease-fire and a withdrawal of forces, and that there had to be an honourable settlement, under peaceful conditions, of the underlying political problems existing between the two countries.

In concluding our debate the other day, I said that if India and Pakistan were members of the Security Council, instead of countries presenting their cases to the Council, they would have decided as the Council decided in its resolution; I was sure of that because of their past history of dedication to the principles of the Charter and to the cause of international peace and justice.

The cease-fire must be a prelude to better understanding, so that this tragic war that has occurred will never be repeated and so that these two neighbours, for which all of us have great friendship, will resume friendly relations in a spirit of friendly co-operation, peace and amity.

The members of the Council, and the Council itself, will do everything they can to assist in what is the most noble of all tasks, that is, the task of bringing permanent peace to the area. Under the resolution adopted by the Security Council, the Secretary-General has been authorized to provide the necessary assistance to ensure supervision of the cease-fire, and that assistance is at the disposal of the parties under the text of the resolution adopted by the Council. I have noted in the course of this debate that the representatives of both India and Pakistan have stated repeatedly their confidence in the Secretary-General—in which all members of the Council are at one—and their conviction that his efforts in this and all other areas are designed to assist in the restoration of peaceful conditions.

I am sure that the announcement of the Government of India, through its distinguished Prime Minister, which is noted in the report of the Secretary-General, and the announcement made by the Foreign Minister of Pakistan will be greeted with great relief and acclaim by a very troubled world. But it is necessary, as I have said, to go on from there and to restore the conditions which will lead to a permanent peace, a lasting

and honourable peace between these two great neighbours, these two Members of the United Nations, these two great members of the world family.

India and Pakistan have very much to contribute to the world and the world looks upon these two countries with great affection, concern and interest.

In view of the announcement that is made today, I, as President of the Council, on behalf of the members of the Council, wish to express our appreciation to both countries for honouring the Council's request, and the Council, of course, will continue—as its resolution prescribes—its consideration of this matter so that it can make its contribution towards the resolution of the problems involved.

**235. Text of the Speech made by the President
Mr. Arthur J. Goldberg in the Security
Council Meeting No. 1245 held on
27 September 1965**

In addition to the report of the Secretary-General which is included in the agenda [S/6710 and Add. 1-2] and to the other relevant documents which were circulated this morning, an additional report by the Secretary-General has just been submitted in documents S/6719, to which I should like to draw the attention of members of the Council.

We now have a draft resolution which reflects the consensus of the members of the Council on the basis of my consultations with them. The text is as follows :

"The Security Council,

"Noting the reports of the Secretary-General (S/6710 and Add. 1 and 2),

"Reaffirming its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September and 211 (1965) of 20 September 1965,

"Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding,

"Recalling that the cease-fire demand in the Council's

resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan,

"Demands that the parties urgently honour their commitments to the Council to observe the cease-fire, and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of resolution 210 (1965)."

We note that the representative of Jordan made a reservation to resolution 211 (1965) of 20 September at the time of its adoption, which reservation is still maintained.

I have had no request from any member of the Council to speak. Since this draft resolution has been fully discussed in the informal consultations which have taken place throughout the day, if I hear no objection and if there are no other requests to speak, I shall consider the draft resolution adopted.

**236. Text of the Speech made by Mr. Goldberg
(United States of America) in the Security
Council Meeting No. 1247 held on
25 October 1965**

It has been apparent for a long time, and it is apparent today, that the problem of India and Pakistan is a grave one. It is a difficult one. It is difficult in all its aspects, and certainly our procedural difficulty today was an illustration of this. I asked for brief period for consultation—not an unusual thing, as I have discovered in my brief experience in the Security Council—so that we could confer together to see whether or not, in a friendly and amicable way, the procedural difficulty which had arisen could be resolved. It was not intended in any way to interfere with the provisional rules of procedure, but only so that I could myself have an opportunity to talk to some of my colleagues and some of the parties concerned. It is helpful to me to hear all the parties on every aspect of their problems and we have been doing this ever since the proceedings began. I understood your ruling, Mr. President, when you approved the agenda. We were to

meet here today to consider the problems of cease-fire and withdrawal. I also understand the long line of unbroken precedents according to which we always hear everything that anybody has to say, and we respect the right of free speech, not only of members of the Council, but also of anybody who appears before this body at our invitation.

I am respectful both of the subject which is before the Council and of the tradition of the Council. For my part, bearing that in mind, I am prepared to hear anything which the representative of Pakistan has to say and, I might add, anything which the representative of India has to say.

**237. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1247
held on 25 October 1965**

Mr. President, allow us to associate ourselves with the congratulations addressed to you by members of the Council. We greatly esteem the qualities and abilities of the scholar and diplomat who has assumed the position of President of the highest organ of the United Nations, an organ which bears the chief responsibility for the maintenance of international peace and security. Experience, as we know, is acquired and enriched through practice, and we wish you every success in your efforts in this august and very difficult post.

Polemics on procedural matters have gone to excessive lengths at this meeting. This is liable to create an unfavourable atmosphere for the discussion of the substance of the items on today's agenda. We are clearly moving towards a situation in which the substance will be replaced by a polemical discussion on procedure and formalities. An unusual and, indeed, strange situation is being created in the Council, in which we are returning over and over again to discussion of the agenda which we adopted at the very beginning of today's meeting.

It is our conviction that our most important task at present is to secure strict observance of the cease-fire agreement in the area of the Indo-Pakistan conflict. Unfortunately, we know that violations of the cease-fire agreement are continuing, and

this might have very dangerous consequences for peace in the area. Obviously our main attention should be concentrated on matters connected with the direct settlement of the armed conflict and, first of all, on scrupulous observance of the cease-fire agreement, which would create more favourable conditions for seeking a solution to other questions that both sides can accept.

That is in fact the principle behind Council resolution 211 (1965), which clearly provides in paragraph 4 that only after a cease-fire and the subsequent withdrawal of all armed personnel will consideration be given to the question of what steps could be taken to assist towards a settlement of the political problem underlying the present conflict. The conclusion is obvious.

At the present time, when these decisions of the Council calling for a complete cease-fire and the withdrawal of armed personnel have still not been fully implemented, it would hardly be in keeping with the spirit and letter of resolution 211 (1965) for it to consider other aspects of the problem. Accordingly, it is our view that at this stage the Council's discussion should be on questions directly connected with the settlement of the armed conflict between India and Pakistan. That is how we understand the agenda adopted for this meeting of the Council.

The Soviet delegation will not insist on consecutive interpretation of its statement into the other languages in view of the time factor will subject to the usual understanding in the Council on this question.

**238. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1247 held on 25 October 1965**

It is not my intention to speak on the subject of the debate this afternoon or to canvass the reasons why we recessed and resumed. I was just going to refer to one matter of great interest to me, which was explained by the representative of France. That relates to the question of parties who are in a position to raise point of order.

He explained, undoubtedly in the light of his very long experience in the Security Council, to which I always defer,

that no one who is not a member of the Council has ever been in the past or should hereafter be permitted to raise points of order. Mr. President, you accepted that and you entirely agreed with it. I do not wish to give the impression that I challenge that ruling. I, of course, bow to that ruling and I accept it—in any event until the end of October, because I want to put forward the view that the question is not concluded in the way in which the representative of France put it before the Council. I want him to acquit me of succumbing merely to the temptation of putting another point of view just because it is a point of view opposed to his own.

Rule 30 of the provisional rules of procedure states: "If a representative raises a point of order the President shall immediately state his ruling." The question then arises: who is a representative for the purpose of raising points of order? Rule 14 states:

"Any Member of the United Nations not a member of the Security Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend."

Therefore, once he is invited he puts on the garb of a representative. The Charter, in Articles 31 and 32, repeated in rule 37 of the provisional rules of procedure, clearly puts limitation on the right of a representative so invited. Rule 37 states:

"Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council...."

Paucity there, if the persons who are invited to participate should be forever regarded as standing outside the door of the Security Council, it would be unnecessary to say that they shall participate without vote; and therefore their participation in the discussion is permitted. The only thing that is denied to them is the right to cast a vote. If you go on to rule 38, that engrafts a second limitation on the right to participate. Rule 38 states :

"Any Member of the United Nations invited in accordance with the preceding rule or in application of Article 32 of the Charter to participate in the discussions of the Security Council may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative on the Security Council."

Therefore, we arrive at this result. A State invited to participate has to provide a representative, and the moment he become a representative he participates in the discussion before the Council. One can easily imagine dozens of possibilities in which the ability to participate in a discussion may be gravely hampered, if not prevented, if points of order may not be raised at appropriate times.

I submit that there is another point of view : that any person—other than a person called under rule 39, who only gives information—who is invited to participate and make his submissions is entitled to participate in the discussion. There are two things and two things only that he cannot do : first, he cannot vote, and secondly, though he may submit a draft resolution he cannot have it voted upon unless a member of the Council so requests.

That is what I wanted to say. Undoubtedly, it might be that in the past the position was not clarified in this manner. I had to pay some attention to it during the time when I was President of the Council. All I want to say at the moment is that there is another point of view.

**239. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1247 held on
25 October 1965**

The Security Council is today again considering the situation that has arisen as the result of the conflict between India and Pakistan. The Soviet Union, which maintains friendly ties with the peoples of India and Pakistan, has repeatedly expressed serious concern over this armed conflict between India and Pakistan, its main desire being to see peace restored between two of the greatest Powers in Asia.

The Soviet Union's position on the Indo-Pakistan conflict has been quite clear from the very beginning. We have been deeply grieved by the outbreak of the conflict and by the bloodshed it has entailed.

We should like to stress again that this conflict is not in the interests of the peoples of either India or Pakistan. Its continuation would threaten the peace of the world and would impair the solidarity of the forces which are for peace, national independence and progress. That is why the Soviet Union, from the very first, has urgently appealed, both in its messages to the Governments of India and Pakistan and in the discussion of the matter in the Security Council, for the prompt cession of fratricidal bloodshed and an immediate peaceful settlement of the dispute between India and Pakistan.

We welcomed the agreement between the two sides—India and Pakistan—on a cease-fire with great satisfaction. In this one must see, first of all, a demonstration on the part of the statesmen of India and Pakistan of due realism, restraint and awareness of the dire consequences of a further continuation of the armed conflict.

The Security Council has played the role assigned to it under the Charter of our Organization in connection with the armed conflict between India and Pakistan. The positive results that have been achieved, namely, the agreement of the parties of a cease-fire, are of course important, but only a first step. Now the main task is to consolidate the cease-fire, to ensure

strict and scrupulous observance of the cease-fire agreement and to take the next step towards strengthening peace between India and Pakistan. The withdrawal by both sides of their troops and all their armed personnel from the positions they occupied up to 5 August 1965, as provided for in the Council's resolutions, must proceed more rapidly.

These are the questions that must be settled first, these are the questions to which attention must be given in the situation that has now arisen.

The Soviet Union, as everyone will remember, supported the resolutions adopted by the Security Council on the armed conflict between India and Pakistan. These resolutions are an essential factor in the restoration of normal relations between India and Pakistan. And the Soviet Union has constantly called for, and calls for, strict compliance with the Council's resolutions.

Regarding the practical application of these resolutions, there arises a question which involves matters of principles. The Soviet delegation considers it necessary to draw the Council's attention to the fact that the action taken by the Secretary-General with regard to the United Nations observers in India and Pakistan following the adoption of resolutions 210 (1965) and 211 (1965) of 6 and 20 September 1965 is at variance with the provisions of the Charter, under which only the Security Council is competent to take the necessary decisions on all specific matters connected with United Nations observers, namely, their functions, number, command, the financing of their activities and so on. Meanwhile, all these questions are being settled outside the Security Council, whose members are merely informed about measures that have already been taken. This situation is, of course, abnormal and, as we have noted, at variance with the Charter.

We consider it necessary to stress particularly that the Council should set a definite time-limit for the stay of the United Nations observers in India and Pakistan, which it is our firm conviction should be strictly limited to three months.

Those are the views we wished to express at this stage in Council's work.

In view of the late hour and on the usual understanding, I shall not insist on the consecutive interpretation of my statement into the languages.

**240. Text of the Speech made by Mr. Goldberg
(United States of America) in the Security Council
Meeting No. 1247 held on
25 October 1965**

My delegation and my Government strongly support all the resolutions which have been adopted by the Security Council, beginning with resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September, in dealing with this matter. We have done so in the spirit of great friendship with the great nations of India and Pakistan, and we have done so in the interests of world peace and security.

It has been a source of great strength to all peace-loving people throughout the world that the Security Council in all these instances, has acted with virtual unanimity. It was a source of great satisfaction to my Government and to all the members of the Council that the Governments of India and Pakistan responded to the Council's demand that there be a cease-fire in this dispute.

We also share the conviction of, I am sure, all the members of the Council that the resolutions which were adopted are solemn commitments by the members of the Security Council that all parts of the resolutions that we adopted must have full implementation.

We have met today because of reports that have been filed with us by the Secretary-General referring to what we know from reading the newspapers, as well as from his reports, that the cease-fire is in jeopardy and that it will continue to be precarious unless there is a disengagement of forces between the two countries. The Secretary-General has made concrete proposals to both Governments, in order to give effect to the Security Council's resolutions, that there be a prompt withdrawal following the cease-fire to which both Governments are

pledged. This Council has a right to expect, as all peace-loving people have the right to expect, that, in the words of our resolution, there will now be a withdrawal of all armed personnel of either party which may be located in the territory of the other party or on the other party's side of the cease-fire line in Kashmir.

That is what we all agreed upon, in the Council, and we believe that it is the obligation of both India and Pakistan—faithful to their commitments under the Charter—to respect, to honour and to comply with the declarations of the Security Council. I should like to emphasize that my Government continues to support fully these resolutions of the Council, which were adopted in September, and we urge most strongly that these resolutions, particularly the key resolution of 20 September [211 (1965)], be fully implemented. We do so in the necessary spirit of seeing to it that peace, to which we are all pledged, is restored in full measure on the subcontinent. As far as we are concerned, my Government is pledged to that resolution, to its full terms, to the sequence of steps which the resolution contemplates, and we shall continue through this Council and through the United Nations to play our part in co-operating and seeing to it that the resolutions are implemented.

My Government has no question in its mind concerning the actions of the Secretary-General taken to carry out the resolutions we have adopted. Nor indeed do we think that any question can be raised appropriately under those resolutions in the light of their clear language and in the light of the very careful steps which the Secretary-General has taken in order to give effect to them.

On 6 September 1965, this Council, in resolution 210 (1965), after calling upon the parties to cease hostilities and promptly withdraw all armed personnel to the positions held by them before 5 August 1965, unanimously went on to say that it :

“Requests the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to streng-

then the United Nations Military Observer Group in India and Pakistan, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area".

Our Secretary-General did exactly that. He filed a steady stream of reports indicating the steps that he was taking pursuant to this resolution in order to give effect to what the Council had decided. And he frankly shared his thoughts, his views, his recommendations and his actions with the members of the Council. In his report of 16 September—I shall not read all his reports as they are too voluminous and the hour is late—the Secretary-General said this :

"I have taken immediate steps to obtain extra transport and communications equipment to facilitate UNMOGIP in its task. I have also made provisional arrangements to increase the number of military observers in UNMOGIP at short notice, should developments make this increase necessary." [S/6686, para. 10.]

We were on notice of this when we met on 20 September to consider the deteriorating situation which had developed in connexion with this dispute. Being on notice of this, the Council again adopted a resolution which, in this respect, was agreed to by all parties. The Council in this resolution [211 (1966)] requested "...the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel". In other paragraph we requested "the Secretary-General to exert every possible effort to give effect to the present resolution".

The next day the Secretary-General supplied us with another of his many reports. In this report he pointed out what had transpired during this period. The original cease-fire line was a cease-fire line of a little less than 500 miles. The Secretary-General reported that there were crossings of the border, the international boundary between the two countries, and then he went on to say :

"The border between India and West Pakistan, where fighting has been taking place between Indian and Pakistan armed forces, extends for a distance of over 1,000 miles from the Arabian Sea to the foothills of the Himalayas on the southern edge of the State of Jammu and Kashmir." [S/6699, para. 10.]

Then he went on to point out specifically in detail that because of this situation :

"In the supervision of the cease-fire and of the withdrawals, it is the intention to deploy, at least initially, a team of approximately 100 military observers with the necessary logistical and staff support." [*Ibid.*, para. 11.]

He was not talking at that point about the United Nations Military Observer Group in India and Pakistan; he was talking about recruiting a team of military observers for the international boundary, as we all necessarily understood. The Secretary-General continued :

"It is the purpose to have those observers in the area at the earliest possible date after the cease-fire becomes effective. According to tentative plans, the locations outside of Kashmir where observers might be most usefully stationed would be the following..." [*Ibid.*]

Then there are specified in detail the headquarters on the Indian side and on the Pakistan side for this group of observers. Then the Secretary-General went on in a separate paragraph to talk about what he intended with respect to the United Nations Military Observer Group in India and Pakistan. He stated :

"The Security Council, in its resolution 210 (1965) of 6 September 1965, calls upon the Secretary-General 'to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan'. To this end, I have already made specific approaches to the Governments providing military observers to make available additional observers so that the over-all strength

of the Group can be very substantially increased. As stated in my second report to the Council on my mission to India and Pakistan [S/6686], I have also taken urgent steps to provide extra transport and communications equipment for the Observer Group." [*Ibid.*, para. 16.]

The Council met on 27 September and noted reports of the Secretary-General. There was not a voice raised in the Council at the time, although we were full apprised of every step that the Secretary-General had taken, that the Secretary-General in any sense was deviating from the mandate that this Council had given him in carrying out the task and heavy responsibility we had entrusted to him.

And the Secretary-General did not leave us in the dark as to what he was doing; quite the contrary. On 1 October 1965 he told us in specific detail what observers he was recruiting for both these forces: "As of 30 September, a total of ninety observers has been provided for the United Nations India-Pakistan Observation Mission." [S/6699/Add. 6, para. 3.] Then he goes into it in detail. Then: "As of 30 September, a total of fifty-nine additional observers had been provided for the United Nations Military Observer Group in India and Pakistan." [*Ibid.*, para. 8.]

Now, it seems to my Government and to my delegation that the Secretary-General has proceeded exactly in accord with the resolutions that the Security Council has unanimously adopted and that he has advised the members of the Council, step by step, of every step he has taken in order to execute the Council's resolutions. There would have been time at any point during these proceedings to raise the question of whether the Secretary-General was proceeding improperly, and that was not done. That was not done although the facts were known and were laid before us.

My Government wishes to commend the Secretary-General for the steps taken by him to carry out what we agreed upon here. And in regard to the status of the cease-fire, it is a plain and simple fact of life that we owe much to the patient efforts of the United Nations observers, who have promptly gone to work thanks to the Secretary-General's expeditious

action in response to the Council's mandate to him, in paragraph 2 of resolution 211 (1965), "to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel", as well as the mandate in resolution 210 (1965) "to strengthen the United Nations Military Observer Group in India and Pakistan". Had the Secretary-General not acted rapidly and firmly, with our authorization, and had not received the prompt co-operation of the Governments to which he turned for observer personnel and equipment, it is highly likely, in my view, that we would be meeting today not to call for the implementation of withdrawal, but to call anew for the cessation of hostilities. There have been violations, regretfully, of the cease-fire, and complaints from both sides have been confirmed by the observers on the spot; but it is nevertheless true, and it is apparent from the reports of the Secretary-General, that the observers are there, and the fact that they are and that they arrived very promptly had much to do with the fact that the situation is not worse.

I wish to make it clear that my Government emphatically rejects the suggestion that the Secretary General acted beyond his mandate or that he should have consulted the Council in advance on the details of the actions he took under that mandate. In our view, his actions were entirely reasonable, and well within the limits that could be envisaged in view of the problem. If fortythree observers were appropriate, as has been long recognized by this Council, to observe a cease-fire under peaceful conditions and in a cease-fire line of less than 500 miles, then 200 observers are obviously reasonable for supervising a cease-fire line that now extends 1,500 miles under the grave and troubled conditions that now exist between India and Pakistan.

I think that I for one understood what the Council was asking for in our discussion. We made it very clear that we asked and requested and directed the Secretary-General to take steps to strengthen the observer force, and also to take steps to see to it that there was appropriate supervision of what we had demanded that India and Pakistan should do. Therefore it seemed to me that there can be no question about

this. It is interesting to see that there is not always consistency in this area. Today we are told by the representative of the Soviet Union that the Secretary-General acted improperly in the face of a resolution we adopted which called upon the Secretary-General to strengthen the observer force. I would like to remind the representative of the Soviet Union of his actions and his comments when the Dominican problem was before the Security Council. The Security Council adopted a resolution on 14 May 1965 [resolution 203 (1965)] inviting the Secretary-General "to send, as an urgent measure, a representative to the Dominican Republic". On 9 June, the representative of the Soviet Union had this to say about that resolution :

"We also take a favourable view of the suggestion that the representative of the Secretary-General in the Dominican Republic should continue to keep the cease-fire under observation. The USSR delegation likewise agrees that the membership of the group headed by Mr. Mayobre should be enlarged in order to enable it to carry out effectively the tasks entrusted to it by the Security Council." [1222nd meeting, para. 90].

And on 20 July 1965 the same thoughts were expressed by the representative of the Soviet Union.

Now, it seems to me quite clear that if a resolution is adopted that says a representative is to be sent and it is the view of the Soviet representative that this means the representative may recruit additional observers, it is quite inconsistent with the position taken today, that when the Security Council adopts a resolution requesting the Secretary-General to strengthen an existing observer force of forty-five, the actions taken by the Secretary-General are not appropriate under the circumstances.

I think that we ought to stick to the problem at hand, the real problem at hand. And our real problem at hand is a grave one : it is the problem of implementing the resolutions which we unanimously adopted; it is the problem of seeing to

it that there is a prompt withdrawal of engaged forces; it is the problem of seeing to it that there is an honourable settlement between India and Pakistan; it is the problem of seeing to it that, when the withdrawal is effected, we then do what this Council determined to do, and that is, in the terms of paragraph 4 of resolution 211 (1965), to decide "what steps could be taken to assist towards a settlement of the political problem underlying the present conflict". That is the task of the Council, that is the task that the world is waiting for us to perform. It is not our task, in my opinion, and with all due respect, to raise questions which cannot properly be raised under the terms of the resolution which directed what has been done and which authorized the Secretary-General to do precisely what he did.

Mr. Hope (United Kingdom): It had not been my intention to speak this evening, but the representative of the Soviet Union has spoken about the actions of the Secretary-General following the passage of Security Council resolutions 209 (1965), 210 (1965), 211 (1965) and 214 (1965), and I have listened very carefully to his words. My delegation is, however, unable to agree to what has been said on this subject by the Soviet representative. We shall wish later to put more fully reserve the Council our views on this question, and I therefore reserve our right to speak on this again.

I would only say now that we are satisfied that the Secretary-General has throughout acted in complete accord with the clear mandates given to him by the Security Council by its resolutions 209 (1965), 210 (1965), 211 (1965) and 214 (1965). We believe that what he has done under those resolutions has been a proper exercise of his responsibility.

**241. Text of the Speech made by Mr. Seydoux
(France) in the Security Council Meeting
No. 1247 held on 25 October 1965**

Because of the lateness of the hour, I had not intended to take part in the debate which has just taken place. However, in view of its unexpected scope, I am compelled to state my Government's views here and now.

The statements we have just heard from the representatives of the Soviet Union, the United States and the United Kingdom do emphasize the importance of the problems related to the Security Council's peace-keeping powers. While I should not like to divert the Council from its search for appropriate solutions to the conflict between India and Pakistan, I have myself during the last few weeks draw the attention of several of my colleagues to the need to make the Council fully capable of fulfilling its own responsibilities with regard to methods of carrying out the resolutions it has adopted. We intended not to make anyone's task more complicated, but to prevent the recurrence of situations similar to those which almost jeopardized the future of the United Nations. Therefore, my delegation regrets that its recent efforts, with other delegation, to bring about a settlement of these questions have not been crowned with success.

Having made these comments, the French delegation considers it necessary briefly to recall the principles which should guide our action whenever the Security Council decides to set up a peace-keeping operation—even if it is merely sending an observation or inspection mission. Without challenging the emergency measures which the Secretary-General may be led to take, we consider that it is for the Security Council, taking into account the information the Secretary-General gives it, to decide on the size and the command, as well as the principal characteristics, of the mission or force it has established. The Council should not get lost in detail, which would paralyse it, but it should make sure that the proposed methods correspond, at all stages, with the political data about the problem as assessed by the Council itself. We consider that in that kind of a framework, the Secretary-General's action would avoid the difficulties which would not fail to arise if his terms of reference were defined too vaguely, thus leaving the door open to deep difference of interpretation on the part of members of the Council. The Council should also not forget the financial aspects of an operation it decides to undertake; its basic task is to set a ceiling for expenditure on the basis of the Secretary-General's

proposals and to decide how the operation is to be financed, whether on a voluntary or on a compulsory basis; in the latter case it should invite the General Assembly to provide the funds required in the Organization's regular budget.

I do not want now to reopen a discussion on this point, which the Special Committee on Peace-keeping Operations has had to deal with and will probably deal with again, but I do want to stress once again that the Security Council cannot be asked to take simple decisions of principle and then leave to other bodies the task of carrying them out. Similarly, my delegation considers that it is for the Council to establish, in its resolutions, the duration of their application. A rule of that kind, which must be interpreted with all necessary flexibility, would enable the Security Council to reassess, periodically if need be, the means made available to the Secretary-General in relation to the political objectives on which its members have reached agreement. These are the comments my delegation wished to make with regard to the questions of principle which, we think, will be raised in the future on the application of Security Council resolutions on peace-keeping.

Naturally, I reserve the right to speak again at a future meeting, and, if necessary, on the substance of the problem.

**242. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No 1247 held
on 5 October 1965**

The Soviet delegation has already stated today—and quite un-equivocally—its position on the resolutions adopted by the Security Council and the existing procedures for sending United Nations military observers to India and Pakistan. We should like to reaffirm that position.

As for the views just expressed by the United States representative, they cannot be regarded as convincing, nor do they in any way justify the actions we referred to previously, despite the fact that he spoke most resoundingly.

We did not consider it appropriate to offer an interpretation of the resolutions adopted by the Security Council. How-

ever, since this question has been raised in the Security Council we feel obliged to express our views on it.

What are in fact the provisions of Security Council resolutions 210 (1965) and 211 (1965)? Resolution 210 (1965) refers to measure to strengthen the United Nations Military Observer Group in India and Pakistan. We are choosing our words with care and wish to stress the phrase "strengthen the United Nations Military Observer Group in India and Pakistan". In resolution 211 (1965), the Security Council requests the Secretary-General "to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel". These are the provisions of the Security Council resolutions and in our view they are sufficiently clear. These resolutions contain nothing else.

What in reality is taking place? It is common knowledge that in fact measures are being taken not to "strengthen the United Nations Military Observer Group in India and Pakistan" but to expand it considerably. This is a substantially new departure. In addition, we note that a completely new body is being set up—a mission of United Nations military observers. But is any mention made of this in the resolutions we have adopted? There is not a single word about it in the Security Council's decisions. If the Council had really intended to set up this new group, then obviously—in fact necessarily—it would have taken a clear decision to that effect. Why, merely to "strengthen the United Nations Military Observer Group in India and Pakistan" a special provisions was included in the Security Council resolution. How is it possible to depart so far from adopted decisions when carrying them out?

Thus a large number of military observers is being set to India and Pakistan—to be precise, four times more than the original number of the existing group. A new military observation mission is being set up, and the posts of command are being assigned mainly to senior NATO officers. Considerable expenditure is being planned for the maintenance of these military observers, and the representative of France has rightly and with a sense of responsibility stressed this fact. And all this is being done in circumvention of the Security Council.

However the representative of the United States may interpret the resolutions of the Security Council, this cannot alter the obvious fact that they provide no justification for the actions taken with a view to carrying out the resolutions. To this I must add the fact that the United States representative tried to present the matter as though he were hearing the position of the Soviet delegation on the subject for the first time.

May I remind the United States representative—although we discussed the matter with him earlier—that we drew the attention of the United States at the proper time, after the publication of the Secretary-General's first report, to the impropriety of the steps taken. This was done by the Minister for Foreign Affairs of the Soviet Union and also by the Permanent Representative of the USSR to the United Nations.

We should further like to recall that we drew this to the attention of the President of the Security Council in September, when that responsible office was held by the United States representative. We will remember—and we hope that Mr. Goldberg also remembers this clearly—that, as President of the Security Council, he agreed in the course of our discussion that these matters fell within the competence of the Security Council and should be considered by it. Nevertheless, this oral admission was not followed by any practical measures on the part of the President of the Security Council.

We should like to draw the attention of the United States representative to the fact that, in Security Council resolution 214 (1965), to which he referred, the Council did not in any way take note of the Secretary-General's reports which refer to military observers, but of reports containing information on the observance of the cease-fire (S/6710 and Add. 1 and 2).

May we also recall that our position on this subject was presented in detail in the course of consultations—informal consultations—among members of the Security Council. All these are simple facts—facts which are not new to you, Mr. Goldberg, but which are known to everyone and of which you must have been aware. Therefore your references and your attempts to depict the situation as you did are not confirmed by the actual state of affairs.

We pointed out the discrepancy between the actions taken and the provisions of the United Nations Charter, and drew attention to the exclusive competence of the Security Council—the highest body of our Organization. We pointed out the need to consider and adopt decisions on this matter in the Security Council. In so doing, we believed that the adoption of suitable decisions would help the Secretary-General to take positive action in carrying out the resolutions. And our explanations today are intended to achieve precisely this end, and no other which might give someone grounds to speak from a different position in defence of something that requires no defence. In fact, Mr. Goldberg, you are defending yourself.

For this reason we again venture to point out the need to comply strictly with the provisions of the Charter and not to depart from them, and the need also to show respect for the competence of the Security Council, whose task it is to decide such matters.

Since you have all understood what I have said and as it is already late, I shall not insist on the consecutive interpretation of my statement.

**243. Text of the Speech made by Mr. Goldberg
(United States of America), in the Security
Council Meeting No. 1247 held on
25 October 1965**

The hour is late. I shall say only a few additional words.

The representative of the Soviet Union is quite correct in saying that informally, at the Foreign Minister level, and in conversations between him and myself, and while I was President of the Security Council, he did express the view that he has expressed here today. It is also correct that I expressed a view, similar to the view that I have expressed today—as did my Government at all levels—and throughout took the position that whatever the Secretary-General had done was in strict conformity with the resolutions which had been adopted.

That being the case, it was not my obligation under the provisional rules of procedure to bring this matter to the attention of the Security Council. Under the rules, any member of

the Security Council may bring to the attention of the Council any matter that he desires. My esteemed friend did not elect to do so until today. And when I said what I did, it was in terms of submitting the matter formally, as was done today, before the Security Council.

**244. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1247 held
on 25 October 1965**

We note with satisfaction the calm tone of the objective acknowledgement the representative of the United States has just made. Our statement was based solely on facts. These facts have been acknowledged as was proper. Nevertheless, the United States representative is attempting to make out that they should have been presented differently or in some other way.

As for the suggestion that we should have done this at a previous meeting of the Security Council, may I remind the representative of the United States that this is the first meeting to be held in the interval and that we are therefore taking the first opportunity to present our position in the Security Council. By saying this he is detracting from other ways and means. Indirectly, as it were, he is expressing lack of confidence in the other steps we have taken informally. However, we are well aware that he has always been in favour of using all available means to settle such matters, particularly through informal consultations, contact between delegations, and so on. Only if such methods did not help, failed to produce the desired results or proved unsatisfactory, should the matter be raised officially.

We exhausted all possible and available methods. We consider that all we had done might have led to a settlement of the problem, but since that was not the case, the Soviet delegation took the first opportunity to explain its position officially here. This is a perfectly proper thing to do, and only shows that we sought to bring about a final settlement of the problem. We tried various ways. This should be clearly understood and

duly appreciated.

Once again I should like to ask that no consecutive interpretation be made of my remarks.

**245. Text of the Speech made by Mr. EL-Farra
(Jordan) in the Security Council Meeting
No. 1248 held on 27 October 1965**

The cease-fire which formally went into effect on 22 September 1965 has not become fully effective, and the steps to carry out the withdrawal of armed personnel have not yet been taken. Violations of the cease-fire are becoming more numerous and more serious, and the situation is rapidly deteriorating. So far, practical wisdom and restraint have prevailed, but the continuance of the present situation may have extremely dangerous effects.

Of course, we know that both parties are expected to honour the cease-fire, but violations, if continued, may invite other violations, and these, unless checked, may defeat the very purpose of resolutions 211 (1965) and 214 (1965). We know, of course, that it is difficult to have the complete picture without complete and adequate fact-finding reports, and this requires more United Nations observers on the cease-fire line. The original number of observers is certainly inadequate. The Secretary-General, relying on Council resolution 211 (1965), made certain arrangements to increase the number of observers along the 1,500 mile cease-fire line in order to provide more United Nations control of the cease-fire.

We note with appreciation the steps taken by the Secretary-General to implement these resolution. We know that the Secretary-General will continue his efforts to make the cease-fire effective and to bring about the withdrawal of armed personnel on both sides. We endorse all the steps that have been taken to implement resolution 211 (1965); we express appreciation of the value of the Secretary-General's reports on this matter.

Resolution 211 (1965) aimed at achieving three results: first, an effective cease-fire and the withdrawal of troops to the

old positions; second, the reestablishment of the old cease-fire line in Jammu and Kashmir; and, third, working for a political settlement of the Jammu and Kashmir dispute.

We feel that those requirements should go together as far as possible. To concentrate exclusively on one of them, and to leave or postpone the others may result in our facing the real danger of a resumption of hostilities, the consequences of which no one could predict. I say this because I know that this is what happened in the past, and I am sure we all agree that this is what we are here to prevent.

The elements of the resolution, and here I am using the words of the author of the resolution, the representative of the Netherlands, "are closely interwoven". I would say that they constitute one unit, and any discussion of any resolution which is one unit should cover all the resolution; otherwise, it would be an inadequate and incomplete discussion. We invite both India and Pakistan to co-operate fully with the Secretary-General and the United Nations observers in their efforts to implement all parts of the Council's resolutions.

What is going on in the whole area of conflict, and now in Kashmir itself, leaves no room for doubt that an early settlement is essential and that the need for a political solution now is more urgent than ever. We cannot and should not ignore this fact. The dispute cannot go on without more violations and more violence and more bloodshed, and this may lead to the danger of war extending to more areas and bringing in more parties, thus threatening international peace and security and perhaps escalating to uncontrollable proportions.

With the cease-fire in effect, our Council is duty bound to formulate a procedure which would be workable, equitable and in conformity with standing resolutions. Lasting peace cannot be secured by any other means.

We stress the need for a cease-fire, and we want the cease-fire to continue. We want efforts to be made to bring about the withdrawal of armed personnel on both side. We need to get on with the task of the cease-fire and with task of withdrawal of armed personnel: above all, we want to see

permanent and brotherly relations between the two friendly States of India and Pakistan. We feel that to achieve all this the cease-fire should be followed by a real, workable and practical settlement in accordance with the United Nations resolutions. We have, therefore, to apply ourselves to the causes of the present unfortunate development.

Why is the situation today more dangerous than even at the time when the problem first arose? For an answer to this, we have to look at the problem in its proper perspective.

In his report of 3 September 1965 on the current situation in Kashmir, with particular reference to the cease-fire agreement, the Secretary-General stated :

"... the cease-fire ... would afford the most favourable climate in which to seek a resolution of political differences. The differences over Kashmir are sharp, great and ominous. They must be resolved if peace in that area is ever to be secure." [S/6651, para 2.]

This continues to be the case today. It is for this reason that we believe that we cannot ignore the background which brought about a kind of undeclared war in Asia. The historical background of the problem is essential, and the question must be viewed against that background. This Council should not overlook and it cannot erase the history of the problem, the most important part of which is that both India and Pakistan agreed that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite. This stand was given the United Nations blessing. On 21 April 1948, the Security Council endorsed this agreement [resolution 47 (1948)] and authorized a commission to implement it.

It is not open, at this stage, for either India or Pakistan to claim that Jammu and Kashmir is an integral part of its territory. This will be decided by the people of Kashmir themselves. They have the right to choose their destiny, and

until such time as they do, both parties are stopped from making any claims of sovereignty over Jammu and Kashmir. On the other hand, it is not open to any of the parties to deny the arrangements reached. We need not remind the members of the Council around this table that human relations are regulated sometimes by other means than formal treaties, which are the substance of international law. Informal arrangements, especially when endorsed by the Security Council, are one of them. I submit, what is the use of conference tables and negotiations, agreements and arrangements of this kind if they are reached today only to be negated tomorrow? In fact, what is the use of the whole Charter, which is itself a negotiated agreement?

Needless, to say, self-determination is a right we always support. But annexation which does not stem from the free will of the people is something we do not endorse. It does not convey a right. It imposes a duty—a duty on the people to oppose it, and a duty on us here to protect the legitimate right of the people to choose their own destiny.

We say this because we believe that 5 million people cannot, without their free will, be forced to share a single statehood with either India or Pakistan. Our stand stems from United Nations resolutions on this problem. None of the members challenged the validity of those resolution. Some members here may take issue with the means, the methods or the timing but—and I stand to be corrected on this—we do not differ on the validity of the Security Council's resolutions. They were based on the agreement of the parties. They were never negated. They still stand.

Needless to say, Jordan, which has always maintained close bonds of friendship with both of the two sister States of India and Pakistan, seeks in this case to express its strong desire and its unalterable wish to keep and to strengthen those bonds. However, its first desire and duty is to stress as a basic principle the necessity of respecting the decisions of the United Nations. Jordan has the greatest admiration for the ancient cultural heritage of India. It also stressed the importance of India as a major Power in the forces of non-

alignment, the aim of which is to maintain world peace and security. With Pakistan, Jordan has close links of culture and religion, but neither of these factors can influence my country's position vis-a-vis the decisions of the Security Council, respect for which must be an unquestionable principle to be upheld by all Member States in the interests of the United Nations and of world peace.

Some members called on the two parties to respect all Security Council resolutions of September 1965. In turn, I would like to call on all members of the Council to respect its resolutions in order to protect the prestige and dignity of the Council and to protect the hope of mankind. Jordan is a small country. Small countries derive their strength from, and depend for their security on, the effective discharge by the United Nations of its own responsibilities to protect its own Charter. By ignoring or disregarding its resolutions, the Security Council would create an unhealthy precedent. We cannot insist on the implementation of our resolutions in a given case and overlook it, or let expediency play its part, in another case.

Quoting a great leader of our time, a former Republican President of the United States, Dwight D. Eisenhower :

"We cannot, in the world any more than in our own nation, subscribe to one law for the weak, another law for the strong; one law for those opposing us, another for those allied with us. There can be but one law, or there will be no peace."

President Eisenhower also stressed the point that :

"There can be no peace without law. And there can be no law if we were to invoke one code of international conduct for those who oppose us and another for our friends."

My delegation subscribes to these views. It is through the collective will and wisdom of the members of this Council.

that we can put these sound views of the former President of United States into effect.

Much has been said recently about the scope of the authority of the Secretary-General. Some uncertainties have been expressed in this connexion. We know that without complete clarity and understanding of this matter the work entrusted to him may be hampered. We deem it fit, therefore, to make a few observations on this important matter.

The Secretary-General is appointed by the General Assembly on the recommendation of the Security Council. The Security Council's recommendation unanimous agreement among the five permanent Council members. This is a Charter requirement embodied in Article 97 of the Charter. And the question arises : Why is all this ? It is simply because of the importance of this office. It is one of the main organs of the United Nations. To be able to use this office effectively, the Secretary-General, in his election, needs to have the unanimous support and acceptance of all permanent members of the Security Council. His functions are not only administrative, but diplomatic and political, at times, as well.

Whether the Security Council, in interpreting the Charter and acting within the scope of its authority, would give the Secretary-General special mandates and/or more power is up to this body. The Security Council can always do this. But, I submit, we have nothing to say about vested rights embodied in our Charter, and interpreted in the past through the practice of this United Nations organ. When powers are clear, to invoke them the Secretary-General need not come to the Council for directives. When, for instance, Pakistan requested the Secretary-General to go there, or to send a representative on his behalf, to see and report to the Council on certain charges, we do not believe that this needed the Council's approval. It is his discretionary right. Otherwise, what would be the meaning of Article 99 of the Charter, which gives the Secretary-General, besides other functions the right to bring to the attention of the Council any matter which, in his opinion, may threaten the maintenance of international peace and security ? This authority, which involves a task of great responsibility implies

the discretionary right to visit places of conflict and to make inquiries. This is the more so since the Charter made provisions for securing the independence of the United Nations.

We do not want to see his activities freeze and become ineffective. I am sure the Secretary-General would wish to help us in this respect. It is his office, which is one of the main organs of the United Nations, and his authority which should be protected.

Where to draw the line between matters which need the Council's directives and approval and those which do not, is something which has been determined through past practice. In some cases, the Secretary-General can play a part which neither the Security Council nor a State or group of States would be able to play. Let me reiterate that the Secretary-General takes his office after the unanimous consent of the permanent members of the Council's the recommendation of the Security Council and the appointment by the General Assembly. We do not believe that those who drafted our Charter and incorporated all these conditions and limitations in the Charter intended, after all this, to confine the role of the Secretary-General to "negative neutrality". Certainly he is expected, being an independent body, to play a more effective, positive and helpful part.

I have one more general observation. As the United Nations grows close to achieving universality, it becomes imperative for all its main organs to function properly and effectively, even if this requires a liberal interpretation of the Charter. The United Nations Charter is our constitution, which is bound to respond to the changing needs of our international society. It is an evolutionary document and it must live in the evolutionary world in which we live. It must be interpreted, therefore, in such a way so as to reflect the intention of those great statesmen who drew it up. And I must say once more, Mr. President, that you are one of those statesmen who drew up and signed this great document, the Charter of the United Nations. This kind of liberal approach is the one that has been adopted by the United Nations on the domestic jurisdiction issue, on the colonial issues, on the issue of human

rights and on many issues involving international conflict.

Before concluding, I should like to refer to a letter submitted by the Permanent Representative of Pakistan to the United Nations, dated 22 October 1965 [S/6821]. This letter embodies charges of a serious and alarming nature. The same is true of the statement that the representative of Pakistan made on Monday [1247th meeting]. These charges, if established, should arouse our deepest concern, as issues of a humanitarian nature are also involved. We are glad that the Secretary-General has already sent his representative to the area of conflict. His representative could also be directed, if this is possible, to look into these charges and ascertain the facts. On the other hand if the Secretary-General deems otherwise, we think that, by virtue of his own right and the powers entrusted to him by the Security Council in paragraph 5 of its resolution 211 (1965), the Secretary-General may want to consider visiting again the area of conflict. His personal and prestige and weight would be of great help, and his visit at this time may certainly bring fruitful results.

In conclusion, my Government feels that urgent steps are needed in order to have an effective cease-fire and withdrawal, with a time-limit for complete implementation. This is a preliminary step to arresting the deterioration of this situation. We should ask the two Governments to co-operate with the Secretary-General and with the United Nations observers in their efforts to implement fully Council resolution 211 (1965). We should remind the Governments of India and Pakistan of the Council's wish and determination that, pending further action by the Council under paragraph 4 of resolution 211 (1965), they should utilize all peaceful means, including those listed in Article 33 of the Charter, with a view to reaching a just and honourable settlement of the Jammu and Kashmir dispute, which is underlying the present conflict.

The Council also needs to reaffirm its decision to reconvene in order to consider what steps could be taken to assist towards a just and honourable settlement of this dispute. We would like to see the observer machinery of the United Nations now on the cease-fire line made more effective, and we

endorse all steps taken on this matter. We express the hope that the Secretary-General will visit the area involved as soon as possible. The Council, in its wisdom, may want to establish a special committee with a special mandate to help the Council in this respect.

Finally, I would say that all organs of the United Nations can be effective if we have the will to make them so, and I hope we are all in agreement that there is such a will.

**246. Text of the Speech made by Lord Caradon
(United Kingdom) in the Security Council
Meeting No. 1248 held on
27 October 1965**

For a number of reasons I greatly regret that I was unable to be present at the 1247th meeting of this council on Monday.

I was particularly sorry not to be here to be able to congratulate you, Mr. President, on the assumption of your duties as President of this Council. My congratulations are no less sincere because they are late. From what I hear, there may have been moments in Monday's debate when perhaps you may have felt some doubts about the advantages and privileges which appertain to your high office, but I wish sincerely to assure you of our warm regard for your long record of public service and our great respect for your authority.

I have, of course, made it my business to study very carefully the record of the meeting and as I did so, there was one main conclusion which formed and developed in my mind. I wish to speak very shortly on that one proposition. It is that we must surely continue to concentrate all our attention at this time on the immediate target of progress towards the full re-establishment of peace in the great sub-continent which has been so torn by dangerous conflict. That is the primary task of this Council.

I do not for a moment wish to suggest that the questions of authorization which were raised at the end of that meeting are unimportant. The frustration of the General Assembly

during its nineteenth session provides sufficient evidence that they are indeed of great consequence. They must be considered, and, we trust, satisfactorily settled, if the United Nations is to carry out its responsibilities in the future.

But while I do not doubt the importance of those constitutional and financial questions, I put it to this Council that our immediate task and the task on which we should concentrate all our effort at this time is the task of taking every possible action to render effective the cease-fire between India and Pakistan which this Council demanded, together with the withdrawal of all armed personnel. If we lose sight of those immediate aims we shall have failed. We shall fail to maintain the momentum of success which our previous resolutions initiated. We shall fail in our duty to all concerned to show that we are seriously determined to carry out the provisions of the resolutions we passed. Everything will depend on whether we now take effective action to win and maintain a secure peace.

I do most earnestly urge upon the Council that, whatever else we do, we must facilitate and accelerate the withdrawal which we demanded. For, as long as the withdrawal is delayed, the daily dangers of further violations of the cease-fire will continue. The hope of progress towards a peaceful settlement will recede. The situation might easily deteriorate into renewed confusion and conflict and catastrophe.

Moreover, while we have ample evidence of the intensity of feeling in India and Pakistan arising from the events of the past few months, it has been encouraging to realize that on the necessity for a cease-fire and withdrawal there has already been a measure of agreement between the Governments of India and Pakistan. On this issue at least there appears to be good reason to hope for agreement and for effective action.

We welcomed and endorsed the efforts which the Secretary-General has so persistently made to achieve this aim. I was glad that the spokesman for my delegation immediately made it plain that in our opinion the Secretary-General has throughout acted in complete accord with the clear mandate

given to him by this Council. Particularly we commend his consistent endeavour to make the cease-fire effective and to proceed with the withdrawal. We specially welcomed the proposal to appoint an officer to meet the military representatives of each side to seek urgent agreement on a practical plan for withdrawal.

Last month we rejoiced when, in a series of four resolutions, this Council acted with such commendable confidence and speed and in a spirit of such full agreement and co-operation. As a result of that successful action, the dangers were at once effectively reduced. But they have not been removed. Violation of the cease-fire and failure to withdraw threaten renewed conflict and renewed bloodshed. They could even lead to a resumption of full-scale hostilities, with all the terrible consequences which could then ensue.

I greatly hope that this Council will now rise to the level of its high responsibilities. I trust that the Council will concentrate on the action which is immediately required. I trust that we shall show that we meant what we said when we passed resolution 211 (1965). The cease-fire and complete withdrawal are in effect the only door to a sound settlement. I trust that we shall now open that door leading to a permanent and just and honourable peace.

**247. Text of the Speech made by Mr. Usher (Ivory Coast) in the Security Council Meeting
No. 1248 held on 27 October 1965**

After eighteen years of fruitless search for a solution, the latent conflict between India and Pakistan over Kashmir has in recent months taken a dramatic turn. The threats, the verbal violence, the sporadic military actions and the subversive acts, added to the already existing tension, have degenerated into a bloody and fratricidal conflict.

The Government of the Ivory Coast, which is on friendly terms with the two great Asian countries of India and Pakistan, has watched with much emotion and apprehension the outbreak of violence in that region. India and Pakistan are great,

not merely because of the size of their territories or their populations, but because of their civilization, their religious feelings, their age old wisdom and, in particular, because of the metaphysical strength inherent in the doctrine of non-violence taught by the Master, Gandhi, and the subsequent treasury of talent amassed by the great Nehru.

The Ivory Coast, which considers non-violence the essence of moral perfection and has adopted it as the primary element of its international policy, could not stand by unconcerned and watch it fail; that is why we participated in the drafting and adoption of the Security Council resolutions calling for a cease-fire and the withdrawal of all armed personnel back to the positions held by them before 5 August 1965. The parties, displaying a wisdom which does them honour, accepted the essential provisions of those resolutions and proclaimed a cease-fire. In fact, however, only the pitched battle has been halted and the firing continues. The Secretary-General's report of 23 October 1965 [S/6710/Add.5] casts a specially disturbing light on the situation.

Press reports and documents transmitted daily by the parties give accounts of the various violations and tell—unfortunately—of the virtual disruption of the cease-fire, indicating that tension is once again at its height and that war might break out again at any moment.

This situation prevails only because resolution 211 (1965) has not been fully applied, because the parties are holding on to what they have won by force and are therefore still confronting each other, and also because each of them, with a view to a possible resumption of hostilities, is seeking to improve its strategic position. In these circumstances, the Council must do its utmost to secure full implementation of its resolutions. The Council's resolutions were adopted at a time when peace had been broken in one part of the world, and their aim was therefore to restore peace. These resolutions are decisions, and under the Charter the parties are committed to respect such decisions.

However, how can the Security Council carry out its mission of peace if the parties to the dispute—which, moreover,

are influential Members of the United Nations—do not collaborate with it? How can the Council be asked to find a solution to a conflict when, at the same time, the parties affirm that they are not prepared to make any concessions? Dialogue and negotiation require a certain attitude of mind, a mutual willingness not to impose all one's views on one's neighbour, and an atmosphere of concession.

The Security Council is acting only in accordance with Chapters VI and VII of the Charter. Under Chapter VII, the Council may use force to restore peace or to prevent aggression, but never to solve a contentious dispute between two States. In the last case, the only recourse is to Chapter VI, which requires not only the goodwill of the parties but also their necessary and essential collaboration. That is why the Council must demand an effective cease-fire and reiterate its request for the withdrawal of all armed personnel back to the positions held by them before 5 August 1965, as stated in operative paragraph 1 of resolution 211 (1965).

The Secretary-General has taken steps to that end and we must encourage him to continue his efforts and to ensure that India and Pakistan co-operate with him and with the United Nations observers. But we should perhaps also ask our colleagues in the Security Council to co-operate with the Secretary-General. You cannot give with one hand and take away with the other, as the saying goes. The Council requested the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel. What is necessary depends on the length of the frontiers and the kind of warfare the parties are engaged in. We believe that the Secretary-General, in acceding to our request and in taking steps which, perhaps because of their inadequacy, have not yet been successful, has not so far exceeded his mandate. Accordingly, we shall not criticize him prematurely.

In any event, the Council had the opportunity of knowing the financial implications of the resolution it had adopted; all it had to do was to ask the Secretary-General for a preliminary report. This is a perfectly normal procedure and in certain cases is obligatory under the rules of procedure.

The Council could also have specified the number of United Nations observers in Kashmir, as it did in the case of Santo Domingo. It may, however, have thought that the situation called for prompt action and that it was best to leave that decision to the Secretary-General. The Council was right to do so and it was right for the Secretary-General to act as he did.

Our intention was merely to encourage the Secretary-General in the fulfilment of the difficult task we entrusted to him. I am sure that the Council as a whole, faced with a problem, so delicate because of the extent to which the feelings of both parties are involved, would not wish to lose its way in this labyrinthine tangle of procedure.

My delegation therefore believes that the present debate should strive to create a propitious atmosphere for renewing negotiations between the parties. By making the cease-fire effective, by supporting the measures advocated by the Secretary-General for the withdrawal of the armed forces, by inviting the parties to co-operate with the Secretary-General and the United Nations observers in order to achieve that objective, the Security Council, with the Secretary-General's collaboration, will be able to appropriate diplomatic means to seek a political solution which, without offending the susceptibilities of either party, will enable them to eliminate a latent cause of war between two brother countries.

**248. Text of the Speech made by Mr. Seydoux
(France) in the Security Council Meeting
No. 1249 held on 28 October 1965**

After the many communications which have been addressed to the Security Council by India and Pakistan during the last month, as also the Secretary-General's reports, the information given to us at the 1247th and 1248th meetings would confirm, if that were necessary, that the situation in the subcontinent is still extremely serious. The cease-fire is still precarious and only partially applied, while the withdrawal of the armed forces of both countries has been effected only in very limited areas, both in Kashmir and along the international

border.

What is even more disturbing is the fact that during the past month there has not been the slightest sign or indication that any contacts will be initiated between the two parties, within the foreseeable future, in order to lay the foundations for a settlement of the question at issue. On the contrary, the crisis has continued to deteriorate and it is in fact this profound lack of agreement that is the most serious aspect of the situation.

The French delegation, which of course hopes that the debate will continue in the presence of both parties and in a calm atmosphere, considers that it would be advisable, in the circumstances, for the Security Council to make a final appeal to the Governments of India and Pakistan to comply fully with the resolution which it adopted unanimously in September 1965. We think that at the present stage it would be particularly useful if, after inviting them to end hostilities completely and, this time, definitively, the Council urged them to begin without delay the withdrawal of their forces of the positions which they held before the outbreak of hostilities.

Certainly, such operations are very delicate, as is clear from many examples in history. That is why I think that, in order that they may have the degree of precision which alone can make them applicable, the withdrawal plans should be drawn up, in cooperation with a representative of the Secretary-General, by the responsible authorities of both countries at the very site of the hostilities. Only in this way would it be possible to arrange a phased withdrawal which would be appropriate to a military situation which is complicated both by the nature of the terrain and by the extent of the combat areas. It is certainly no easy task, but we are convinced that it can be carried out if both parties realize that their dispute can only be settled in an atmosphere of combination and if, for its part, the Security Council keeps before it the idea that its mission is, in the last analysis, to study possible measures to promote a settlement of the political problem, namely, the problem of Kashmir, which is at the root of this conflict.

I need hardly add that it is the most fervent hope of the Government and people of France that peace and co-operation will eventually be established between two great countries in which they take great interest and for which they have much friendship.

**249. Text of the Speech made by Mr. Chun-Ming
Chang (China) in the Security Council
Meeting No. 1249 held on
28 October 1965**

I wish to make a few brief remarks at the present stage of our proceedings. Before I do so, let me extend the congratulations of my delegation to you, Mr. President, on your assumption of this high office. With your long record of public service in your own country, and with your vast experience in international affairs, we are confident that under your guidance the Council will be able to bring about peace on the subcontinent. It is to be regretted that the withdrawal of troops called for by the Council's resolutions has not been implemented and that violations of the cease-fire continue to take place. If the situation is allowed to deteriorate, there is the possibility that fighting on a large scale will be resumed, with frightful consequence for all concerned.

It is fair to note that as far as the cease-fire is concerned there is a large measure of agreement. What has made the implementation of the Council's resolutions so difficult is that the atmosphere of suspicion, fear and mistrust continue to poison the relations between India and Pakistan. So long as this is the case, violations of the cease-fire will continue, withdrawal of troops will be delayed, and progress towards a final solution of the Kashmir question will not be possible.

It is therefore the clear duty of the Security Council to reaffirm its determination to bring about an effective cease-fire and to demand the speedy withdrawal of troops. My delegation endorses the proposal of the Secretary-General [see S/6719/Add. 2, para. 4] for a meeting of the representatives of India and Pakistan with a representative of the Secretary-

General for the formulation of an agreed plan and schedule for the withdrawal of the armed forces of both parties. We hope that such a meeting will take place as soon as possible. We also hope that both India and Pakistan will co-operate with the Secretary-General in such a manner as to make the meeting a success. I believe all of us are agreed that in order to achieve a durable peace in the subcontinent a solution of the political problems will be required. But unless calm and reason prevail, there is no hope for an eventual political settlement of the Kashmir question.

In this connexion, my delegation believes that the actions taken by the Secretary-General to give effect to the Council's resolutions have not been inconsistent with the mandate given to him by this Council. Whatever reservations we may have in regard to the Secretary-General's role in certain political areas, we have no reason to think that he has, in the present case, exceeded his authority.

**250. Text of the Speech made by Mr. Ramani
(Malaysia) in the Security Council Meeting
No. 1249 held on 28 October 1965**

Consistent with the views my delegation has expressed during the several occasions last month when the question of Kashmir came before this Council, I am anxious once again to emphasize, at least as far as it concerns us, that the immediate and urgent task for the Security Council at this moment is to set its sights no higher and no wider than the strengthening of the cease-fire and enforcement of the steps to be taken to arrange the withdrawals. For that reason we would support any resolution which has those immediate objectives.

We should have thought that, in the present context, when the Secretary-General is endeavouring to obtain a *modus vivendi* between the two States concerned on the implementation of the withdrawal of forces ordered by the Council and has not confessed to any failure in getting, any reaffirmation of the earlier resolution merely because we have had to debate the whole question again would not help the Council

or strengthen its arm in reaching its objectives. Indeed we are almost inclined to feel that such reaffirmation, far from strengthening, only tends to create a doubt about the firmness of the earlier decisions and to that extent weaken them. Still we do perceive that any possible suggestion of delay in the implementation of the earlier resolution would be met by any resolution which imports into the situation a greater sense of urgency.

It is most essential that our immediate objective should be to strengthen the Security Council's approach to this problem of a cease-fire followed by withdrawals, and once again we repeat that that is my delegation's sole immediate concern ; the restoration or revitalization of the Council's moral and legal authority.

It is a thousand pities that the participation of the Indian delegation in the debates that commenced on Monday last, 25 October, should have been aborted and that delegation should have found itself in a position not permitting its further participation in this debate, as the Indian Foreign Minister's letter [S/6833] sets out. It is not for us to examine or to approve or disapprove the reasons that compelled such an attitude.

In this connexion we cannot help recalling that at the 1242nd meeting, on 20 September, I took great pains to make it clear that first things must come first and that second things, if I may use such an expression, merely come in the way of a dispassionate discussion of the first and essential things. Had our view prevailed, we should not find ourselves presenting the spectacle that we now witness in the Council, with one of the principal parties finding it impossible to participate. It is heartening to find, however, that in the letter of the Foreign Minister of India there is to be found the clear statement—indeed it is stated more than once—that his Government is ready and willing to co-operate with the Secretary-General in the implementation of the cease-fire and withdrawal. The Government of Pakistan has also already stated its readiness to co-operate with the Secretary-General in this behalf. In the words of the representative of the Soviet Union, when he

spoke on Monday: "These are the questions that must be settled first, these are the questions to which attention must be given in the situation that has now arisen." [1247th meeting, para. 241].

However, we are anxious not to be misunderstood, at least by those who have a willingness to understand. We have repeatedly stated and we wish to reiterate our position. We do not say, and we have never said, that there do not exist between the two countries political problems that require solution. We feel too that for the sake of peace and security in that area the sooner they are resolved, and resolved through peaceful processes, the better it would be not only for them but for the whole of Asia and indeed for the whole world. We merely wish to emphasize that the immediate problem—I repeat "immediate"—is the problem of a cease-fire and withdrawal of forces. Indeed we think we have now arrived at a stage in which actual withdrawals would even more significantly contribute to the strengthening of the cease-fire than peremptory admonitions by the Council periodically addressed to the parties.

I should like to add a word in connexion with the statements that were made at the 1247th meeting by the representatives of the Soviet Union, the United States, the United Kingdom and France regarding the question of the Secretary-General's authority in carrying out the resolutions of this Council.

The representative of the Soviet Union, if I may be permitted to summarize his attitude to this question in his two successive interventions, referred to the matter in two aspects. First, he said that the Secretary-General did not have the specific authority of the Security Council to take the steps he had taken, pursuant to its resolutions in the instant matter and second, that he had acted in breach of the provisions of the Charter. Of the two I should consider the second as the more serious criticism, if it is well founded, because the Secretary-General's functions do not have even the vestige of an existence outside of the Charter and the necessary intendment of its provisions. This whole question, with all its ramifications, is due

to come up for debate in other forums during the twentieth session of the General Assembly. They will provide the appropriate occasions to delve more fully into all aspects of this matter. Therefore my delegation at this stage wishes only to go on record as saying that it is not aware of any provision of the Charter which can sustain that criticism.

With regard to the first criticism, it is only fair to point out that, since resolution 211 (1965) of 20 September, the Secretary-General has supplied us with no less than ten successive reports as of today on his efforts to give effect to resolution 211 (1965). On 27 September, even before the Council met again, the reports had added up to no less than six.

In the very first of those reports, that of 21 September [S/6699], the Secretary-General not only gave us a very detailed report, running to several closely typed pages, of how he was proceeding with the organization of observers into two groups but also gave us reasonably precise particulars of their number, their staff and their logistical support—both on the cease-fire line and on the international boundary. In that very first report he estimated the cost for a three-month period in the sum of \$1,645,000. That figure alone demonstrates that a detailed compilation of cost had been made, and that he was not merely guessing.

In the third report, dated 23 September [S/6699/Add.2], the Secretary-General circulated copies of his telegrams to the Prime Minister of India and the President of Pakistan, in which he explained why he felt it necessary to regard the two operations as separate exercises—in his own words, “because of the difference in origin of the two operations”—and stated that the United Nations Military Observer Group in India and Pakistan would continue to supervise the cease-fire line and the new group of observers would be organized as the United Nations India-Pakistan Observation Mission.

In his fourth report, dated 23 September [S/6699/Add.3], he dealt with the two operations under separate heads and again explained the need to differentiate between them. He also gave information regarding the countries to which he had applied for assistance in providing military observers for the new

group.

In his report dated 24 September [S/6699/Add.4], he indicated his designation of General Macdonald of Canada as the Chief Officer of the United Nations India-Pakistan Observation Mission.

In his next report [S/6699/Add.5] circulated on 27 September just before the 1245th meeting of the Council, he indicated particulars of transport and other logistical support he had been endeavouring to obtain and stated that he was air-lifting it to the subcontinent.

For our part, we cannot help but feel that the Secretary-General has been diligently and efficiently carrying out the precise duties cast upon him by this Council and has been keeping this Council informed of what he has been doing almost from day to day. If—I repeat: if—he was acting in excess of the authority given him by the Security Council in its resolutions, surely it was open to any one of us who felt doubts about the extent of the authority he was exercising in any particular matter to bring them immediately to the notice of the Secretary-General, and if necessary to the Security Council, if a more particularized and precisely delimited authority appeared to be required. And all of us, in any event, had that opportunity during the lengthy gathering we held on 27 September.

I do feel without any intellectual hesitations whatever, that having regard to the crisis that was on our hands with respect to Kashmir, the Secretary-General did have all the authority he needed to mobilize the strength of observers he felt would meet the emergency—and this, precisely and without any ambiguity, was the authority we, the Council, gave him.

Indeed, I venture to think that not to have done what he in fact did would only have left him open to the more legitimate criticism that would have occurred to some others of us: why did he not act and act with the speed the situation demanded, in accordance with the mandate given to him by the Security Council?

**251. Text of the Speech made by Mr. Paysse Reyes
(Uruguay) in the Security Council
Meeting No. 1251 held
on 5 November 1965**

The dispute between India and Pakistan over the State of Jammu and Kashmir directly involves peoples who make up almost one-quarter of the population of the earth. Since that is the case, it might be said that this question imperils the fate of all Asia. As Mr. Shastri, the Prime Minister of India, said in his letter of 14 September 1965: "...the world may find itself embroiled in conflict which may well annihilate mankind." [See S/6683, para. 8.] In turn, President Ayub Khan of Pakistan on 13 September 1965 said that we must "save the subcontinent from being engulfed in what would clearly be an appalling catastrophe" [*Ibid.*, para. 9].

Such facts lead us to inescapable conclusions. First, no amount of attention, tact care and prudence given to the consideration of this problem will be excessive. Secondly, the responsibility of the great Powers in the consideration and application of solutions is enormous. Lastly, those of us in this Council who have lesser obligations are in duty bound to remain silent at times about the truths in which we believe in order to be constructive and useful. But we cannot avoid the responsibility of stating where we stand.

Given these conclusions, I must, as the representative of the Government of Uruguay, say a few words.

First, we enecase the unanimous concern—stressed, in this most recent episode through which we are living, by the representatives of the Soviet Union, the United Kingdom and Malaysia—about the essential requirement: a complete cease-fire and respect for the line marking the positions held by the armed personnel and troops on 5 August 1965.

Secondly, we appreciate the noble efforts which the Secretary-General has unstintingly made to this end and we support the decisions he has taken. However, we note that for some weeks now he has found it difficult to act. We do not think that an extensive discussion on the formal aspects

and on the exercise of competence should divert the Council's attention from the main issue. Since, fortunately, there is unanimous agreement to facilities and finance the Secretary-General's programme, within reasonable limits, we see no objections—in this case—to proceeding in this manner, so long as the Secretary-General continues to inform the Council of any new steps which he proposes to take.

Thirdly, Uruguay voted for resolutions 209 (1965), 210 (1965), 211 (1965) and 214 (1965), of 4, 6, 20 and 27 September. In doing so, my delegation stated that it understood that the Security Council was considering the problem of Kashmir as a whole: that is, both the present crisis and the need to make some effective contribution to removing the cause of the crisis. The means, in our view, that resolution 211 (1965) implies that the protagonists should make a triple commitment: a cease-fire, withdrawal of troops and armed personnel, a decision or a desire to consider what steps could be taken to assist towards a settlement of the basic problem which has been under the jurisdiction of the Security Council since 1948. To think otherwise would be to close one's eyes to the facts. If we are given a bleeding foot with a raw wound, it is logical to cure it, anaesthetize it and calm the pain. But it would be neither wise nor adequate to do all that and then to put back the same shoe so that the same puncturing nail, becoming sharper each day, would immediately reopen the wound. What would have been gained? How can we not but think it logical to oppose a return to facing the cause of the crisis without any guarantee that it would receive, at the very least immediate attention from the Council?

With this thought in mind, I personally tried during the period when I had the honour to be President of the Council—to see if it was possible to bring the parties concerned together so that, if there was a feeling that the spirit of operative paragraph 4 of resolution 211 (1965) was being respected, it might be possible to insist on an immediate cease-fire and the complete withdrawal of armed personnel. I found the Minister for Foreign Affairs of Pakistan quite willing to undertake direct conversations. The Minister for Foreign Affairs of

India also gave me sure guarantees that his Government was willing to achieve a complete and immediate cease-fire and to respect the line of 5 August. This was all an initial step before any conversations of a political nature. I agree with the Secretary-General's desire to obtain at this stage from the Governments of India and Pakistan a statement analogous or similar to that made by them on 29 November 1962. That would be a basis for the immediate and unqualified implementation of the resolutions of the Council on the cease-fire and the withdrawal of forces and armed personnel and would demonstrate the feeling of unity we attributed to resolution 211 (1965).

Fourthly in his statement of 25 October to the Security Council [1247th meeting], the Minister for Foreign Affairs of Pakistan—while speaking about the concrete problem of the cease-fire and withdrawal of troops—made in dramatic manner a series of grave charges about the whole problem of the State of Jammu and Kashmir and invited the Council to substantiate the truth of his charges. We recognize that that statement creates a profound impression, but it should not be a condition for the cease-fire and withdrawal of troops. At the same time, we should like to point out that the Council's reply should not merely be a debate on the formal aspects of the application of the resolutions in question, although that may be of vital importance.

As long ago as 1948, the Council appointed first a commission [resolution 39 (1948)], and later in 1957 its President [resolution 123 (1957)], to collect direct information on the spot. The experience was fruitful. My delegation, if there seemed to be a favourable atmosphere for it, would support the idea that our President or a special three-man committee should be entrusted with the task of gathering impressions on the situation in Jammu and Kashmir without the power to investigate.

Fifthly, the Security Council is on the eve of facing other problems concerning the self-determination of peoples. Its legal, moral and political authority depends on its subsequent acts and conduct. What the Council says and does now

regarding this lamentable situation will constitute a precedent for the situations with which the Council may have to deal tomorrow. We certainly realize that a complete and effective cease-fire and the withdrawal of troops and armed personnel must be achieved immediately, but we are quite convinced that this will only check the effects; it will leave the cause untouched. Since this is the case, any breeze might fan the flames again unless we do something specific to prevent it.

Sixthly, the time factor—the mere passage of years—has an overwhelming influence. This dispute has already been before the Council for eighteen years. No one could contend that the present-day realities are identical with those of 1947 and no one can deny that the present-day realities have legal and political consequences which effect the rights claimed by the parties. Often time, the passage of time, is a wise arbitrator of trouble some situation. In the present case we are concerned lest time may be giving rise to complications; instead of working as a sedative, it may become a cause of aggravation. For this reason, the Council cannot renounce, its obligation to work towards a solution of a dispute which might be termed a threat to universal peace.

This being our state of mind—and since we are anxious to maintain the points of view common to the so-called great Powers, which, as Raymond Cartier says, now seem to be breathing the spirit of Yalta—we are going to vote for the draft resolution before the Council. It does not fulfil all our wishes, but at least it is one step forward.

Lastly, it merely remains for me to regret the absence of any representatives of the Government of India from this debate and the withdrawal of the representative of India from this chamber. As President of the Council, I considered it my duty to do all I could to ensure the presence of the representative of India and I must pay a tribute to the very kind attention he paid to my request. For that reason, since I was aware of his state of mind, I did allow myself to speak as President in order to prevent something which I considered was hardly conducive to direct understanding between the parties. Without impairing the President's position of complete impartiality, I acted in

accordance with my judgement—without giving any views on any substantive matters and without attempting to restrict the right of freedom of speech. Now I urge the representative of India, and I think I am expressing the feelings of all of us, to honour us with his presence and to co-operate with us in our heartfelt desire to relax the tension which exists between two noble and friendly peoples.

**252. Text of the Speech made by Mr. De Beus
(Netherlands) in the Security Council Meeting
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In our present debate on the conflict between India and Pakistan various questions have come up which, although they are all in some way related to the implementation of the Council's resolutions, nevertheless belong to two different categories. On the one hand, some members have discussed the steps taken by the Secretary-General for the execution of these resolutions and the financing of the operation. Those are questions which as the representative of the Soviet Union put it, have some significance in terms of principle; questions which reflect old differences of approach. On the other hand, the reports of the Secretary-General oblige us to pay attention to a number of unsatisfactory aspects of the implementation of our resolutions—notably, at the present stage, the cease-fire and the withdrawal of armed personnel. For the sake of clearness, I intend to deal first with the more general, principal aspect—that is, the Secretary-General's mandate and the financing—and thereafter with the cease-fire and the withdrawal of armed forces.

In dealing with the conflict between India and Pakistan, the Security Council has up to now been able to act with unanimity or near unanimity. The greatest significance of that lies in the fact that the Council in all its four resolutions has been able to achieve the unanimity of the permanent members. That is a new and hopeful departure, because that is how the Security Council was originally intended to operate. For many years it had been virtually impossible to obtain the unanimity of the permanent members on almost any important subject.

My delegation was therefore highly gratified at this return to action on the basis of the unanimity of the permanent members, and considers it of the utmost importance that the Council should, if possible, continue to operate on that basis.

It would, however, have been unrealistic to assume that the basic differences of opinion with regard to the organization and financing of peace-keeping operations—differences with which we are all familiar and which played such a large and almost disastrous part during the nineteenth session of the General Assembly—would suddenly disappear. Therefore, it is certainly not surprising that at this moment, when the Security Council has initiated a new peacekeeping operation in the India-Pakistan conflict, the old differences of approach should come out again in our debate—as they did, in particular, on 25 October 1965 [1247th meeting]. Now that the question has been brought up, I should like to make clear my delegation's attitude on the subject.

In doing so, I should like above all to emphasize that my delegation can find no fault with the manner in which the Secretary-General has acquitted himself of the heavy and very difficult task imposed upon him by the Council. As has been proved here in the statements, supported by quotations, made by several speakers in the debate, the resolutions of the Council gave him a clear mandate to carry those resolutions into effect, and he did so expeditiously. Furthermore, in doing so he reported regularly and elaborately to the Council, in no less than ten reports, on all the steps he had taken. If the Council had been of the opinion that in some way the Secretary-General had gone too far, it could have expressed that view in connexion with any one of his reports—but it did not do so.

That being said, however, I should add that the matter does not rest there. Our debate has shown that there are basic principles involved, on which the permanent members do not entirely agree. This my delegation highly regrets and I should like to make an attempt to find a practical way out, which we hope would enable the members of the Council to maintain their unanimity in a case such as this.

There is no urgent need at the present moment for the Security Council to lay down once and for all rules of precedents for future peace-keeping operations. The Security Council is confronted today only with the practical problem of how to have its resolutions carried out in the most effective way, without prejudice to future decisions on principle by the General Assembly, and in a manner which can command the unanimous support of its members. It is highly desirable, both for the restoration of peace between India and Pakistan and for future operations, that we should find such a method. The Security Council has raised great hopes and restore confidence in the United Nations by its unanimous and determined action in this conflict. It would be tragic if we were to squander part of that gain by differences of opinion, no matter how fundamental, over the margin of authority between the different organs of the United Nations. My delegation believes that it should be possible, and that it is possible, to achieve a practical way of proceeding further in such a case.

Let me first try to summarize briefly the different viewpoints which have been defended here. They are, roughly speaking, three. In the first place, there are those countries that hold that the basic resolutions of the Security Council contain sufficient authority for the Secretary-General to take executive measures for their implementation. Those countries believe that the Secretary-General, in doing so, should have a reasonable margin of authority and that it is sufficient if the Secretary-General regularly reports to the Security Council on his executive measures, to which the Council can then raise objections if it so wishes.

The second school of thought holds that the Security Council should be entitled, if not obliged, to pronounce itself upon the main characteristics of a particular operation initiated in the execution of its resolutions. Those directives should, according to the countries holding that view, deal with such aspects as the strength, the composition, the command, the duration and the financing of peace-keeping forces.

With regard to the financing, the Council should, in that view, indicate a ceiling for the expenditures on the basis

of the Secretary-General's proposals and indicate a method of financing. Within the context of the directives of the Security Council, the Secretary-General should then have freedom of action to take the necessary steps for the implementation of Security Council resolutions.

Different variations of flexibility of this point of view are possible. The reasoning behind this attitude is that under the present system extensive commitments are being made on behalf of the United Nations before the Security Council knows it, commitments which could afterwards not be rejected even if the Council should wish to do so. So much for the second school of thought.

There is a third school of thought, which goes even further and holds that decisions concerning all aspects of peace-keeping forces should emanate exclusively from the Security Council.

My delegation believes that if the aim is to guarantee a certain degree of control by the Security Council over the execution of its own resolutions, it is possible to achieve that by steering a middle course, based on a few general considerations. A first, and in our view self-evident, consideration is that the Security Council should always be entitled to interpret its own resolutions. Consequently, and in addition, it would be helpful if the Council would from time to time, whenever it deemed that desirable, give broad directives—I emphasize the word "broad"—for the execution of those resolutions. A second principle is that the ultimate approval of the financial aspects and the apportioning of the expenses rests with the General Assembly in accordance with the provisions of Article 17 of the United Nations Charter. A third principle to which we believe one should adhere is that the Secretary-General, as principal administrative officer of the Organization, should have sufficient freedom of movement to carry out the resolutions of the Security Council without having to ask the authorization of the Council for every step in detail. If the Secretary-General should have to ask such authorization for each separate step, once the task of the implementation of a resolution had been entrusted to him, his work would, we

fears, become practically impossible and the implementation of the Council's resolution would become fictitious.

A practical system based on those three principles implies that the Secretary-General should continue to report formally and regularly on the steps taken, as he has always done, but also that it might be helpful if in the future, perhaps more than heretofore, the Secretary-General and his staff would consult informally with members of the Security Council about any intended steps.

With regard to financing, it means that the Secretary-General should, as soon as possible after the adoption of a Security Council resolution of this nature, make an estimate of the expenses so that the Security Council could give a directive on the general level of expenses, but that the final approval and the apportioning of these expenses should be left to the General Assembly.

These are only the rough outlines for a procedure which we could try to apply in cases such as the India-Pakistan conflict. We believe that such a procedure would go a long way in meeting the desire, which we understand, of those members who hold that the Security Council should exercise greater control over the execution of its own decisions; at the same time this procedure would, we believe, be flexible enough to leave the Secretary-General the necessary leeway in order not be hamstrung in the exercise of his important and heavy executive functions.

It may be an advantage that the Council need not take decisions on these matters as a general rule for all cases and for all time, but that it can feel its way through by practical experience. What we wish to achieve above all for the moment is a practical solution which maintains the unanimity of all permanent members in order that we may, through experience, gradually arrive at a permanent system.

So much for the questions of principle raised by the implementation of the Council's resolutions. The attention given to these aspects, important as they are, should, however, in no way take precedence over the more immediate and urgent aspects of the implementation of the Council's resolutions,

which constitutes today the real problem before us. Unfortunately, these aspects give rise to serious concern.

The appeals which the Council addressed on four subsequent occasions to both parties to effect a cease-fire and a withdrawal of their armed personnel have received only partial response. Although both India and Pakistan have expressed their readiness to accept a cessation of hostilities and, in spite of the fact that the cease-fire came into effect more than six weeks ago today, it is obvious from the Secretary-General's many reports on the maintenance of the cease-fire that its continuance is constantly in danger. There are reports on further shooting and shelling, on actions on both sides to improve positions and on other military activities that are in complete contradiction with a cease-fire. It is to this ominous situation that the Council has now to direct its immediate attention.

It is clear, at least in the mind of my delegation, that the cause for these many violations of the cease-fire does not lie with the military observers of the United Nations, who are performing an admirable and difficult task. It is thanks to their activities that the existing explosive situation has not reverted again to open hostilities.

My country is also deeply disturbed by the stream of Press reports coming out of Kashmir about the total suppression of the liberty of political expression as well as about excesses reportedly taking place in the fighting area. The representative of Pakistan has asked the Council: "Will the world remain unmoved?"

My answer would be, "No, the world is certainly not; nor is the Council. "But the remedy lies not in condemning or investigating specific examples of such acts, but in putting an end to the circumstances which gave rise to such excesses. The Council, therefore, has to concentrate on the three elements of its resolution, just as they have been enumerated by the representative of Uruguay: the cease-fire, the withdrawal of the forces, and tackling the underlying political problem. These elements are closely interwoven, as I said in the Council [1242nd meeting] when introducing reso-

lution 211 (1965), and my delegation stands by that declaration. It is not because we have departed from quoted in the Council meeting last week. I did not do so because, in our view, it was not the interconnexion between the different parts of the resolution which was then at stake, but the old tradition that representatives on the Security Council should be entitled to speak their mind on all questions connected with the subject under discussion, as long as they do not use insulting language.

But even if it is true that the three elements of the resolution are closely interconnected, and that none should be overlooked, it is nevertheless obvious that they cannot all be achieved at once and at the same time, and therefore we have to proceed in phases. The first phase was the cease-fire. It has been achieved, but is still precarious; it will remain precarious as long as huge armed forces remain in close contact facing each other. Therefore, we must now concentrate on the second phase, the withdrawal of forces. Almost six weeks have elapsed since we adopted our key resolution of 20 September [resolution 211 (1965)] and since the Secretary-General first asked the parties to draw up withdrawal plans, but precious little progress has been made in this direction. Undoubtedly, commanders on both sides are understandably inspired by what to them is a duty and a primary consideration, namely to safeguard their positions. Therefore, the clear orders to withdraw should come from their Governments, orders based on higher considerations and on greater interests than that of maintaining a few hundred yards of terrain or a favourable strategic outpost. If such orders should not be forthcoming or should not be fully understood or fully carried out, it is the duty of the Security Council to act and assist the Governments by indicating a clear and concrete terms what action should now be taken.

For this reason, my delegation has, in very close co-operation with all the other members, both permanent and non-permanent, worked out a draft resolution [S/6876], which I should now like to submit in the name of Bolivia, the Ivory Coast, Malaysia, the Netherlands and Uruguay. The

draft is submitted in the name of these five non-permanent members of the Council, but it has been drafted in constant consultation with the permanent members. I think we can say that it contains no language which could give rise to objection. It indicates, we believe, in clear and un-mistakable language what concrete steps could and should now be taken to achieve a withdrawal of forces.

The text of the draft resolution needs, I believe, little comment. Paragraph 1 reaffirms the key resolution of the Council of 20 September 1965 on this subject "in all its parts", and should dispel any possible doubt about the fact that the Council stands by its previous resolution in its entirety and intends to see it carried out in all its parts. This reaffirmation is put first in the text because the next two paragraphs concentrate on those phases which are at the moment the most urgent, namely the cease-fire and the withdrawal of armed personnel.

Paragraph 2 requests the parties to co-operate towards a full implementation of paragraph 1 of resolution 211 (1965), calls upon them to instruct their armed personnel to co-operate with the United Nations and to cease all military activity, and insists that there be an end to violations of the cease-fire. It will be noted that this language is stronger than that of previous resolutions, for the reason I mentioned earlier, namely that this insistence may be needed to overcome the present deadlock.

Paragraph 3 demands the prompt and unconditional execution of the proposal which has already been agreed to in principle by the Governments of India and Pakistan, for a meeting of their representatives with a suitable representative of the Secretary-General, to be appointed after consultation with both parties but without delay, for the formulation of an agreed plan and schedule for the withdrawals by both parties. It furthermore "urges that such a meeting take place as soon as possible and that such a plan contain a timelimit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks". The demand contained in this paragraph

has been formulated by the co-sponsors in this stringent form because the failure to arrive at a common plan for withdrawals has hitherto constituted the main obstacle to progress in the implementation of resolution 211 (1965).

Finally, paragraph 4 requests the Secretary-General to submit to the Council as soon as possible a report on compliance with the resolution. In so far as is necessary, I should point out that this applies to the resolution as a whole, while the request in paragraph 3 applies particularly to the content of that paragraph.

This draft resolution, as we hope is apparent from the text, is not directed against any of the parties. It is, on the contrary, intended to help them to break the present deadlock in order that we may thereafter proceed further with the implementation of resolution 211 (1965).

The draft resolution concentrates, as I said, on those points which are at the moment most urgent; the cease-fire and the withdrawal of armed personnel. We realize, of course, that some members of the Council would have liked to see some other aspects dealt with as well in the draft resolution. The co-sponsors have tried very hard, their utmost, to achieve this, but they have in the end come to the conclusion that the best way is, consciously and deliberately, to leave out of the draft any matter which does not deal directly with the most urgent points, anything which might be controversial and might, therefore, endanger it.

As the text now stands, every word of it has been the subject of extensive consultations. All members of the Council have had their say on it and the co-sponsors believe that all their wishes have been accommodated. I am sure, therefore, that I speak on behalf of all the co-sponsors if I appeal fervently to all the members of the Security Council that no one should, because of any subject that might not be mentioned, break the unanimity of the Council. If it should be possible to adopt this draft resolution with unanimity, or near unanimity, this would be an important step towards solving the conflict between India and Pakistan and also towards the firm establishment of a new basis for action by the Security

Council such as we have inaugurated.

**253. Text of the Speech made by Mr. Goldberg
(United States of America) in the Security
Council Meeting No. 1251 held on
5 November 1965**

Before addressing myself to the draft resolution before us, I should like to congratulate you, Mr. President, on again assuming the presidency of the Council although I was not present at the United Nations during your previous occupancy of the presidency, your distinguished career is well known and your reputation for judicious and efficient conduct of the business of this Council are well established among your colleagues, new as well as old, and has again been confirmed in your current tenure as President. I welcome your experienced leadership in what promises—as is already clear—to be a busy period of activity in this Council.

We have before us today, thanks to the diligent efforts of our colleagues in the Council, a new draft resolution on the India Pakistan question. I wish to express my appreciation particularly to the sponsors and to all of the non-permanent members, as well as the permanent members, of their patient consideration of this difficult question in an attempt again to achieve the unanimity which has characterized our actions on this subject throughout the past month as well as the present month.

I share the opinion of the representative of the Netherlands that this matter has been thoroughly explored in the private consultations which have taken place and I believe that those consultations, as this draft resolution demonstrates, have been most constructive.

In the opinion of my Government, the draft resolution fully reflects the intent of the resolutions which this Council adapted in September and represents a necessary effort to add urgency to the aspect of those resolutions which, as the Secretary-General's impartial reports demonstrate, is the most pertinent at this time, namely, the problem of withdrawal. My

delegation will vote in favour of this draft resolution and we trust that it will be supported with the same unanimity which has characterized the actions which the Council took in adopting its resolutions 209 (1965), 210 (1965), 211 (1965) and 214 (1965).

Resolution 211 (1965) made a demand of the parties. This demand, as I said at that time [1242nd meeting] in supporting the resolution, was not lightly made; no demand upon Governments, Member States, is lightly made, or should be lightly made, by the Security Council. It was a demand that voiced the sentiments of virtually all Member States, as reflected in the plenary meetings of the General Assembly, and it surely reflected world opinion. It was a demand for the acceptance of a cease-fire, and that demand was, happily, accepted by both India and Pakistan.

Today, in the draft resolution before us, the Council makes a renewed demand, a new demand, in order to assure the permanence of the cease-fire. It is a demand for unconditional acceptance of the proposal on withdrawal made by the Secretary-General. I think that I can repeat what I have just said, and what I said then, that I am sure that this demand is supported by virtually all states Members of the United Nations and supported as well by world opinion, which is looking for the restoration of peaceful conditions on the sub-continent. I may say further that, as was the case with the cease-fire, this demand is likewise in the interests of both parties concerned. The sponsors have chosen the world "demand" with the utmost seriousness, and we trust—and the world has the right to expect—that there will be full recognition by both parties of its weight and gravity.

The emphasis in this draft resolution on withdrawal does not, in my view, alter the even balance of resolution 211 (1965) which my Government, along with all of those who voted for that resolution, supports in its entirety. The draft resolution before us today, as has been pointed out by previous speakers, reaffirms resolution 211 (1965) in all its parts. The Council stands committed to the entire resolution and I am confident that the Council will honour this commitment. It is the stated

objective of the Council, as far as Council action is concerned, that the implementation of resolution 211 (1965) should take place in sequence : cease-fire, withdrawal and the steps which the Council affirms. And I quote from that resolution :

"Decides to consider as soon as paragraph 1 of Council resolution 210 (1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end".

In this draft resolution, we reaffirm the declaration in all its parts, and this is only appropriate under the circumstances. On 20 September, when we had just passed the basic resolution which the draft before us today reaffirms, I emphasized, as President of the Council and speaking on behalf of all the members that the Council had spoken in terms of friendship to both parties. This morning, speaking for my Government, I should like again to stress this spirit of friendship, and again to call upon the parties to accept and implement today's draft resolution and to co-operate with the Secretary-General and his representatives and with all organs of the United Nations in implementing the resolution.

This is the obligation of both parties under their commitment to the Charter, to which we are all pledged, and the world hopefully looks for this necessary step of withdrawal as a further step towards the restoration of an honourable and permanent peace on the subcontinent.

**254. Text of the Speech made by Mr. E.L. Farra
(Jordan) in the Security Council Meeting No. 1251
held on 5 November 1965**

My first pleasant duty is to extend to you, Mr. President, on behalf of my Government and on my own behalf our warmest congratulations on your assuming again the Presidency of the Council for this month. Your past experience as Professor

of law, culture and history, your well known record as a diplomat and a statesman, your tact and wisdom, all these high qualities will, I am sure, contribute to the success of our work.

We have before us a draft resolution submitted by five non-permanent members of the Security Council. This draft resolution is the result of much consultation and hard work, and my delegation pays tribute to the co-sponsors for their patience and constructive efforts. We wish to state, however, that it was not possible for us to co-sponsor this draft resolution, and we regret that we are not in a position to vote for this draft resolution.

We made our position clear earlier, and we do not see any development which would warrant a change in our stand. The draft resolution, in our opinion, does not adequately reflect the reality of the situation. We think it would help to solve the problem if a cease-fire, a withdrawal and a solution were all given the same emphasis in the present draft resolution. We all have rightly concentrated on the cease-fire and withdrawal. This is important, but we know that after a cease-fire and withdrawal we shall again come face to face with the basic problem, the problem which led to the unfortunate hostilities. To concentrate only on the cease-fire and withdrawal will bring us no nearer to a solution, and for this reason we believe that we should benefit from our own experience.

There was a cease-fire for more than seventeen years between India and Pakistan. The problem came again and again before this Council, but no adequate steps were taken to bring about a solution; as a result, what do we find ourselves facing today but open and full-scale, undeclared war between the two friendly States of India and Pakistan. Time did not and cannot erase the problem. We cannot, therefore, give our endorsement to any measure that, instead of taking us farward, may freeze the problem and keep it where it was.

I wonder whether this draft resolution in its present form would bring permanent peace to the area. We submit that, if there is a will, both the cease-fire and the withdrawal

can be completed within a very short time. Twenty miles on one side and perhaps fifteen miles on the other side certainly do not require weeks and months. And, if there is a genuine desire, a solution is also certainly attainable. That is why I submit that withdrawal and solution are two sides of the same coin. They go together, and it is not realistic to insist on one and not to put the same emphasis on the other. This has been the mistake made in the past, and the Council in its wisdom may want to benefit from its own experience.

In this connexion, I must state that the leader of the Uruguayan delegation, Mr. Paysse Reyes, who was our President in October, made in his brilliant intervention this morning a constructive approach to the problem. His statement should be given adequate attention by the Security Council, for he raised many points which deserve study and consideration. We should ponder them, since they come from a man of rich experience. To my delegation, this was a sincere effort to avoid further difficulties and more bloodshed, and it is for this reason that we insisted on our same stand vis-a-vis this draft resolution.

The situation is becoming more serious every day and calls for further consideration. We are unhappy to find ourselves in a position in which we have to voice a point of view which may not be acceptable to both parties. Our Foreign Minister stated: "... Jordan, as part of the Arab world, has always been linked by the closest bonds of brotherly friendship to these two great countries [India and Pakistan]." We want these close ties to continue. We should like to see permanent peace restored on the India subcontinent between these two sister States. This not only would be to the mutual advantage of India and Pakistan but also would benefit Asia, this Council and the rest of the world. We appeal to the parties to stop the violence, to exercise restraint and to negotiate this dispute with the help of the United Nations, if need be. A settlement can be reached, but this Council has to play its role in helping the parties to reach a just solution.

**255. Text of the Speech made by Mr. Seydoux
(France) in the Security Council Meeting
No. 1251 held on 5 November 1965**

The French delegation will vote in favour of the draft resolution before us on the conflict between India and Pakistan. It considers that it was essential for the Security Council, after having confirmed the need for strict compliance with the cease-fire, to provide for measures to ensure the formulation of a plan for the withdrawal of armed personnel which would really be applicable in the field.

My Government is sure that, once this condition is fulfilled, India and Pakistan will decide, as required by the Council's resolutions, to withdraw their armed personnel back to the positions held by them at the beginning of August. We think that it was also useful that the Council, in the hope of a lasting settlement of the problem of Kashmir—which is at the root of this conflict—should have reaffirmed its resolution 211 (1965) "in all its parts", thus marking its decision to consider, as soon as operative paragraph 1 of resolution 210 (1965) has been implemented, what steps could be taken to assist towards that settlement, and also that the Council renewed its appeal to the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter of the United Nations, to this end.

It is, in fact, both the responsibility of the Security Council and the wish of all countries friendly to India and Pakistan—and thus of France—that an atmosphere of peace and understanding should be restored in this deeply disturbed area of the world.

While this is the desire of my Government, I should like to state that our approval of this draft resolution is subject to the reservations which I made at the 1247th meeting on the principles which, in our opinion, should guide the Security Council in the application of its decisions.

**256. Text of the Speech made by the President
Mr. Fernando Ortiz Sanz as representative
of Bolivia in the Security Council
Meeting No. 1251 held on
5 November 1965**

If no other member of the Council wishes to speak. I shall take the liberty of speaking briefly as the representative of BOLIVIA.

An armed conflict of vast proportions, involving two States Members of the United Nations, with a population of almost 600 million human beings, was unchained during the early days of August 1965, to the concern of the world.

Fully aware of its primary responsibility to maintain international peace and security, which is expressly conferred on it by Article 24 of the United Nations Charter, the Security Council met immediately to discuss the problem. Resolutions 209 (1965), 210 (1965), 211 (1965) and 214 (1965), unanimously adopted by the members of the Council, bear eloquent testimony to the great sense of responsibility of all members here and to the laudable spirit of negotiation and compromise which endowed those resolutions with the powerful force of unanimity.

The Secretary-General, acting with commendable zeal and with the speed which the circumstances required, soon managed, in spite of the size and complexity of the problem, to see to it that the resolutions which we are discussing began to be effective and obtained a cease-fire which was, and still is, the essential first step towards the total implementation of our decisions. The Secretary-General's reports [S/6699 and S/6710], together with their addenda, are proof of the impartiality and dedication with which he has acted in this delicate matter and my Government would like to record its express approval of all the measures adopted.

Additional information was subsequently provided which showed the precarious nature of the cease-fire and other factors intervened which impeded progress towards the withdrawal of troops. Thus, the Security Council, acceding to the request

from Pakistan mentioned in our agenda, has decided to discuss the problem once more, in order to continue to fulfil its duty. For it is our duty, as it is that of all the servants and organs of the United Nations, not only to draft resolutions but to ensure, with all the means within our power, that those resolutions are effective.

History is not nourished by isolated documents, however important they may be. But when documents are objective, adequate and practical, they do point the way to coherent and permanent action.

In the case before us it can be stated that the Council's resolutions, which were unanimously adopted, do point, in each and every one of their paragraphs, a clear way towards a solution of this grave dispute, namely : cease-fire withdrawal of armed personnel, an appeal to all States to refrain from any action which might aggravate the situation in the area and, at the proper time, a consideration of the steps which could be taken for co-operation towards a settlement of the basic political problem.

For this reason, the Bolivian delegation has decided to co-sponsor the draft resolution before us since it considers it a new, clear and strong instrument to promote the restoration of peace between India and Pakistan through application of our previous resolutions in all their parts.

Speaking as President, I consider that the moment has now come to put to the vote the draft resolution co-sponsored by Bolivia, the Ivory Coast, Malaysia, the Netherlands and Uruguay [S/6876].

A vote was taken by show of hands

In favour : Bolivia, China, France, Ivory Coast, Malaysia, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against : None.

Abstaining : Jordan, Union of Soviet Socialist Republics.

The draft resolution was adopted by 9 votes to none, with 2 abstentions.

**257. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1251
held on 5 November 1965**

In connexion with the vote just taken, the USSR delegation would like to make the following statement.

The main task now before us is, as we have pointed out in various statements in the Council, to ensure the observance of the provisions relating to the cease-fire and the speedy withdrawal of the troops and military personnel of both sides to the positions which they occupied before 5 August 1965. We continue to maintain that position, in the belief that it is in conformity with the interests of the peoples of India and Pakistan and with the interests of peace.

My delegation also drew the Council's attention to certain matters of principle regarding the practical implementation of the resolutions which the Council adopted earlier. In its statement at the 1247th meeting of the Council on 25 October 1965, my delegation stated that the action taken by the Secretary-General with regard to the United Nations observers in India and Pakistan following the adoption by the Security Council of its resolutions 210 (1965) and 211 (1965), was at variance with the basic provisions of the Charter. We emphasized that under these basic provisions of the Charter only the Security Council was competent to take the necessary decisions on all specific matters connected with the United Nations military observers.

It is the Council that must decide such questions as the functions of military observers, their number, their command, their terms of reference, the financing of their activities, and so on. We have drawn particular attention to the fact that the Security Council set a definite time-limit for the stay of the United Nations observers in India and Pakistan, which should in no case exceed three months.

We must, unfortunately, point out that, although the Soviet Union raised this question of principle both during the prolonged consultations among members of the Security

Council and at the first meeting of this series [1247th meeting], this anomalous situation and this irregular practice, which are at variance with the basic provisions of the Charter, have not been discontinued or corrected. These extremely important specific questions concerning the United Nations military observers continue to be decided outside the Security Council.

This shows that the questions of principle and constitutionality raised by the Soviet delegation were not given due consideration or taken into account. In the draft resolution that was adopted because of the negative position taken by various members of the Security Council, particularly the United States, the above mentioned question of principle was passed over. It was as a direct result of the negative position taken by these States that the unanimity prevailing in the Security Council during the discussion of the India-Pakistan conflict was destroyed.

In the light of the foregoing, and considering such a position to be intolerable, we were unable to endorse the draft resolution and therefore abstained in the vote.

In conclusion, the USSR delegation wishes to state that, if specific questions relating to the United Nations observers in India and Pakistan are in future decided outside the Security Council and in violation of the Charter, the Soviet Union reserves the right to draw the appropriate conclusions and reconsider its position accordingly.

**258. Text of the Speech made by Mr. Goldberg
(United States of America) in the Security
Council Meeting No. 1251 held on
5 November 1965**

I am only going to say a very few words. The position of the United States in reference to the matter of principle to which the representative of the Soviet Union has referred was stated at length when we met last to consider this problem and it needs no reiteration. It is perfectly apparent that it is broadly supported in the Security-Council. I should like merely to

point out that United States has been very anxious and has attempted by every means at its disposal, without sacrificing Charter principles important to the integrity of this Organization, to arrive at an accommodation of all points of view in the discussions that have been going on. It has not demonstrated any attempt to be intransigent, but, on the contrary, has tried to co-operate, in a spirit of friendship, conciliation and compromise, to arrive at a solution of all the problems which have been raised. Unhappily, this has not come about, and if it has not come about, it is not the responsibility of the United States for this outcome on this phase of the situation.

I should like, finally, to pointed out that it was not the United States which injected this problem into the debate; rather it was the representative of the Soviet Union who did so. We would have been more content had we continued to deal with the substance of the problem, which we have dealt with today, without prejudice to principles that anybody holds and without prejudice to a resolution of those principles at an appropriate time by the Security Council. This has not, fortunately, been possible. Therefore, what the sponsors of the draft resolution did today is, in my view, the only thing that could have been done under the circumstances.

**259. Text of the Speech made by Mr. Fedorenko
(Union of Soviet Socialist Republics) in the
Security Council Meeting No. 1251
held on 5 November 1965**

In connexion with the statement just made by the representative of the United States, I should like to draw attention to the following.

First, that part of the statement in which that representative tried to depict the United States delegation as having been constructive and co-operative in regard to the question under consideration does not correspond to reality. It is at variance with the truth, and, in our statement at the 1247th meeting of the Council, we were obliged to remind the Council of what had really happened during the discussions, in parti-

cular during the very lengthy, highly complex, tense and so-called informal consultations. The United States delegation failed to show the slightest desire to co-operate with regard to the questions of principle to which I referred a moment ago, either with the USSR delegation or with other delegations. With the permission of the French representative, I should like to draw the Council's attention to the fact that our position on this subject coincided with his.

Thus, the United States delegation did not wish to co-operate with any one of the permanent members of the Security Council.

Secondly, it is regrettable that although the Security Council has just adopted a resolution, the United States representative continues to maintain his position and argues that it is consistent with the United Nations Charter and with the rights and competence vested in the highest organ of the United Nations, the Security Council. We differ in our understanding of the provisions of the Charter and the basic responsibilities of the Security Council and we reject the interpretation given by the United States representative.

I thought it necessary to draw attention to these two points in connexion with the United States representative's statement.

**260. Text of the Speech made by Mr. Goldberg
(United States of America) in the Security
Council Meeting No. 1241 held on
5 November 1965**

I regret the necessity to take the floor again. I understand that the representative of the Soviet Union has a difference in principle—not only with the United States but very broadly with other members of the Security Council as well, as is evident from the statements made here today—about the role of the Security Council and other organs of the United Nations, including specifically the Secretary-General. That difference in principle has been stated here, and I shall not repeat our opposing views.

What I do regret is the statement that I did not truthfully report the position of the United States. I believe I state the position of the United States—with due respect to my esteemed colleague—and I believe I state it correctly, truthfully and honestly.

It has always been my view—perhaps I have to change it—that discussions in private consultations should be private and that, if we arrive at agreement, the agreement should be reported. I am going to adhere to that view as long as I can. However, when it is said that I did not truthfully report the position of the United States that we were willing to accept compromises, then I am inevitably bound to respond, because that is not a charge that I take very lightly.

In private consultations, various positions are taken. It is correct that I did not accept the position of the Soviet representative accepted my position in principle. But various proposals were made to try to bring us together in this area. I am not going to go into the details of those proposals, because I hope we can continue the constructive course of trying to resolve our differences privately. I would only say that proposals were made—not by the representative of the Soviet Union and not by the representative of France, who in his statements reflected a view not identical with that of the Soviet Union but similar in some respects, but by other representatives—which attempted to bridge the difference between us. The United States delegation was willing to accept those proposals; apparently, the representative of the Soviet Union and his Government were not willing to accept them. That is what I was referring to, and I think I referred to it accurately and honestly, as other members of this Council are well aware.

We did not arrive at agreement on this point. That is to be regretted. I repeat what I said earlier; the responsibility for failure to agree is not the responsibility of the United States, and I regret very much that we were unable to find common ground, as I would have hoped we could.

